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## Senate Activity for Wednesday, April 20, 2016

### INTRODUCED

**SB BANKING LAWS** (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of Ohio. Am. 102.02, 109.572, 111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.32, 135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.68, 1109.69, 1111.01, 1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 1121.18, 1121.21, 1121.23, 1121.26, 1121.30, 1121.33, 1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 1121.50, 1121.56, 1123.01, 1123.03, 1125.01, 1125.03, 1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 1125.22, 1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 2335.25, 3351.07, 3767.41, 4303.293, and 5814.01; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 1103.09 (1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 (1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 (1117.07), and 1113.01 (1113.02) and to enact new section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 1114.12, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 1121.19, and 1121.31, and to repeal sections 1105.06, 1107.01, 1109.60, 1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 1133.11, 1133.12, 1133.13, 1133.14, 1133.15, 1133.16, 1151.01, 1151.02, 1151.03, 1151.04, 1151.05, 1151.051, 1151.052, 1151.053, 1151.06, 1151.07, 1151.08, 1151.081, 1151.09, 1151.091, 1151.10, 1151.11, 1151.12, 1151.13, 1151.14, 1151.15, 1151.16, 1151.17, 1151.18, 1151.19, 1151.191, 1151.192, 1151.20, 1151.201, 1151.21, 1151.22, 1151.23, 1151.231, 1151.24, 1151.25, 1151.26, 1151.27, 1151.28, 1151.29, 1151.291, 1151.292, 1151.293, 1151.294, 1151.295, 1151.296, 1151.297, 1151.298, 1151.299, 1151.2910, 1151.2911, 1151.30, 1151.31, 1151.311, 1151.312, 1151.32, 1151.321, 1151.323, 1151.33, 1151.34, 1151.341, 1151.342, 1151.343, 1151.344, 1151.345, 1151.346, 1151.347, 1151.348, 1151.349, 1151.35, 1151.36, 1151.361, 1151.37, 1151.38, 1151.39, 1151.40, 1151.41, 1151.411, 1151.42, 1151.44, 1151.45, 1151.46, 1151.47, 1151.471, 1151.48, 1151.49, 1151.51, 1151.52, 1151.53, 1151.54, 1151.55, 1151.60, 1151.61, 1151.62, 1151.63, 1151.64, 1151.66, 1151.71, 1151.72, 1151.99, 1153.03, 1153.05, 1153.06, 1153.07, 1153.99, 1155.01, 1155.011, 1155.02, 1155.021, 1155.03, 1155.05, 1155.07, 1155.071, 1155.08, 1155.09, 1155.091, 1155.10, 1155.11, 1155.12, 1155.15, 1155.16, 1155.17, 1155.18, 1155.20, 1155.21, 1155.23, 1155.24, 1155.25, 1155.26, 1155.27, 1155.28,

1155.31, 1155.35, 1155.37, 1155.41, 1155.42, 1155.43, 1155.44, 1155.45, 1155.46, 1155.47, 1157.01, 1157.03, 1157.04, 1157.05, 1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 1157.33, 1161.01, 1161.02, 1161.03, 1161.04, 1161.05, 1161.06, 1161.07, 1161.071, 1161.08, 1161.09, 1161.10, 1161.11, 1161.111, 1161.12, 1161.13, 1161.14, 1161.15, 1161.16, 1161.17, 1161.18, 1161.19, 1161.20, 1161.21, 1161.22, 1161.23, 1161.24, 1161.25, 1161.26, 1161.27, 1161.28, 1161.29, 1161.30, 1161.31, 1161.32, 1161.33, 1161.34, 1161.35, 1161.36, 1161.37, 1161.38, 1161.39, 1161.40, 1161.41, 1161.42, 1161.43, 1161.44, 1161.441, 1161.45, 1161.46, 1161.47, 1161.48, 1161.49, 1161.50, 1161.51, 1161.52, 1161.53, 1161.54, 1161.55, 1161.56, 1161.57, 1161.58, 1161.59, 1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 1161.65, 1161.66, 1161.67, 1161.68, 1161.69, 1161.70, 1161.71, 1161.72, 1161.73, 1161.74, 1161.75, 1161.76, 1161.77, 1161.78, 1161.79, 1161.80, 1161.81, 1163.01, 1163.02, 1163.03, 1163.04, 1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 1163.13, 1163.14, 1163.15, 1163.19, 1163.20, 1163.21, 1163.22, 1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 1165.30, 1165.33, 1181.16, 1181.17, and 1181.18

**SCRSUPREME COURT (Skindell, M.)** To urge the United States Senate to hold any and all necessary **19** hearings, to perform the Senate's constitutional duty, and, after appropriate consideration, to hold a vote to confirm or deny the nomination of the Honorable Merrick Garland to the Supreme Court of the United States.

PASSED

**HB ARCHITECTS (Schaffer, T.)** To make changes governing the architects board and the landscape **243** architects board regarding continuing education requirements.

33-0

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**SB COURT PROCEEDINGS (Seitz, B.)** To enact the Uniform Interstate Depositions and Discovery Act. **171**

33-0

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**SB TRUST COMPANY LAW (Eklund, J.)** To create the Ohio Family Trust Company Act. **175**

30-2 (Skindell, Thomas) (Cafaro excused)

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**SB CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law **310** governing capital projects for the biennium ending June 30, 2018.

32-1 (Jordan)


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REFERRED

**Criminal Justice:**

**HB 57**  **MURDER SENTENCING** (Maag, R.) To change the sentence for aggravated murder.

**Education:**

**HB 113**  **CPR TRAINING** (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as a requirement for high school graduation



Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

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**House Floor Report**

1 message

**Gongwer News Service** <gongwerreports@gongwer-oh.com>

Tue, Apr 26, 2016 at 5:03 PM

Reply-To: gongwerreports@gongwer-oh.com

To: Standard\_Subscriber\_misc\_html@gongwer-oh.com

**GONGWER** Ohio  
The Record of Capitol Square Since 1906**House Activity for Tuesday, April 26, 2016****INTRODUCED AND REFERRED**

**HR TRAIN CREWS** (Sheehy, M., Lepore-Hagan, M.) To support the Federal Railroad Administration's proposed rule 383 requiring trains operated in the United State to have at least a two-person crew.

■ State Government

**HRCOURT APPOINTMENT** (Ramos, D.) To urge the United States Senate to hold any and all necessary hearings, to 34 perform the Senate's constitutional duty, and, after appropriate consideration, to hold a vote to confirm or deny the nomination of the Honorable Merrick Garland to the Supreme Court of the United States.

State Government

**INTRODUCED**

**HB CONDOMINIUM LAW** (Grossman, C., Perales, R.) Relative to the Condominium Law and Planned Community Law. 534Am. 5302.30, 5311.01, 5311.08, 5311.081, 5311.09, 5311.091, 5311.16, 5311.18, and 5311.22 and to enact sections

■ 5311.082, 5311.083, 5311.29, 5311.30, 5311.31, 5311.32, and 5311.33.

**HB MILITARY BENEFITS** (Perales, R.) To extend employment and reemployment protection to a person who is a 535member of another state's national guard or organized militia and who is employed in Ohio. Am. 5903.02 of the

■ Revised Code

**CALENDAR FOR COMING SESSION**

**SB DAY DESIGNATION** (Hughes, J.) To designate August 7 as Ohio Purple Heart Day.

239

**SB TAX HOLIDAY** (Bacon, K.) To provide for a three-day sales tax "holiday" in August 2016 during which sales of back-  
264 to-school clothing and school supplies are exempt from sales and use taxes.

**HB COMMUNITY EVENT FUNDING** (Brenner, A.) To authorize boards of township trustees and boards of park  
361 commissioners to expend funds for the public purpose of presenting community events in their parks and at other  
recreational facilities.

**HCREDUCTION ACT** (McColley, R.) To urge the United States Congress to pass the ADA Education and Reform Act of  
32 2015.

REFERRED

## Commerce & Labor

**HB HEALTH CARE PROFESSIONALS** (Sykes, E.) To require certain health care professionals to complete instruction  
514 in cultural competency.

**HB EMPLOYEE APPLICATIONS** (Dever, J.) To regulate the collection, use, and retention of certain information  
527 obtained from an applicant during the employee selection process.

## Energy & Natural Resources

**HB INJECTION WELLS** (Phillips, D.) To prohibit injection of brine and other waste substances except in class I injection  
522 wells, to prohibit the conversion of oil and gas wells, to require municipal or township approval prior to the issuance of  
an oil or gas well permit, and to levy a fee on the injection of brine and other waste substances into a class I injection  
well.

## Health & Aging

**HB 520 RETIREMENT SYSTEMS** (Schuring, K., Ramos, D.) To revise the law governing the state's public retirement systems.

## Insurance

**SB FIREFIGHTER CANCER** (Patton, T.) To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

**HB FAMILY LEAVE** (Kuhns, C., Boyd, J.) To establish family and medical leave insurance benefits to provide paid leave to allow an individual to address the individual's own serious health condition, to care for a family member, or to bond with a new child and to exempt those benefits from personal income tax.

## Judiciary

**SB COURT PROCEEDINGS** (Seitz, B.) To enact the Uniform Interstate Depositions and Discovery Act.

**SB DRIVERS LICENSE SUSPENSIONS** (Seitz, B.) To make the suspension of an offender's driver's license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges.

**SB DEATH DESIGNATION DEEDS** (Bacon, K.) To amend the law related to transfer on death designation deeds and affidavits.

**HB JURY DUTY** (Gonzales, A.) To permit a prospective juror who is a mother who is breast-feeding her baby to be excused from jury service.

**HB RESTRAINING ORDERS** (Celebrezze, N.) To require a court to issue a mutual restraining order on both parties upon the filing of a complaint for a divorce, annulment, or legal separation.

**HB BIRTH CERTIFICATIONS** (Celebrezze, N.) To require the clerk of court, in domestic relations cases in which proof of a child's birth is required to be included in a pleading, to access the electronic system of vital records of the State Registrar or Department of Health and issue a certification of birth to the party applying for such certification upon payment of the required fees.

**HB PAROLE ELIGIBILITY** (Manning, N.) To provide special parole eligibility dates for persons with an indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing.

## Public Utilities

**HB 911 CALLS** (Johnson, G.) To require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit or code.

## State Government

**HB CONCEALED HANDGUNS** (Vitale, N.) To permit an elected officeholder of this state or a political subdivision of this state who holds a valid concealed handgun license to carry a concealed handgun in a government facility of this state or a political subdivision of this state.

**HB LSC DUTIES** (Howse, S.) To require the Director of the Legislative Service Commission to prepare a human impact statement concerning a bill or resolution that proposes to amend the law governing criminal justice.


**HB ANIMAL TRESPASSING** (Bishoff, H.) To prohibit a person from killing or injuring a cat or dog that is trespassing on the person's property.

## Ways & Means

**HB FIREWOOD SALES** (Patterson, J., Cera, J.) To exempt from sales and use taxation the bulk sale of firewood and 515 certain other heating fuels, and to reimburse the Local Government Fund and Public Library Fund and county and transit sales tax collections for the resulting revenue losses.

**HB VEHICLE LICENSE TAXES** (Ruhl, M.) To authorize additional permissive local motor vehicle license taxes up to a 528 total of \$15.

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Click the  after a bill number to track that bill and create email alerts on activity.

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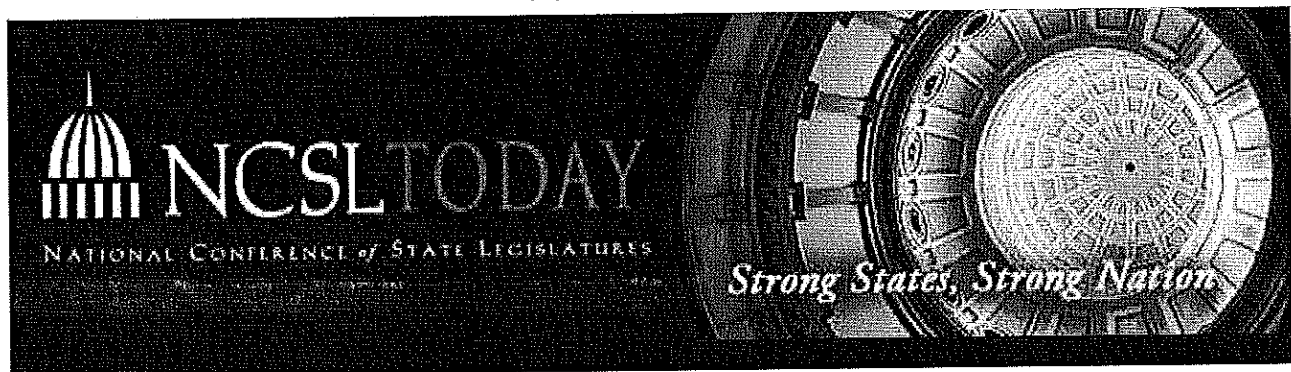


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## **TOP NEWS** April 24, 2017

### **Rural doctors' training may be in jeopardy**

*Stateline*

A program designed to address the shortage of doctors in rural and poor urban areas could be in peril unless Congress acts.

### **New Hampshire lawmakers to extend immunity law in overdose emergencies**

*Associated Press*

New Hampshire's law granting certain immunity to people who report drug overdoses is poised to stay in place for the indefinite future.

### **Massachusetts legislators to lobby against Trump budget cuts**

*Associated Press*

A group of Massachusetts state senators is traveling to Washington to lobby against some of the budget cuts proposed by President Donald Trump.

### **Pennsylvania eyes leap to internet for casinos, lottery**

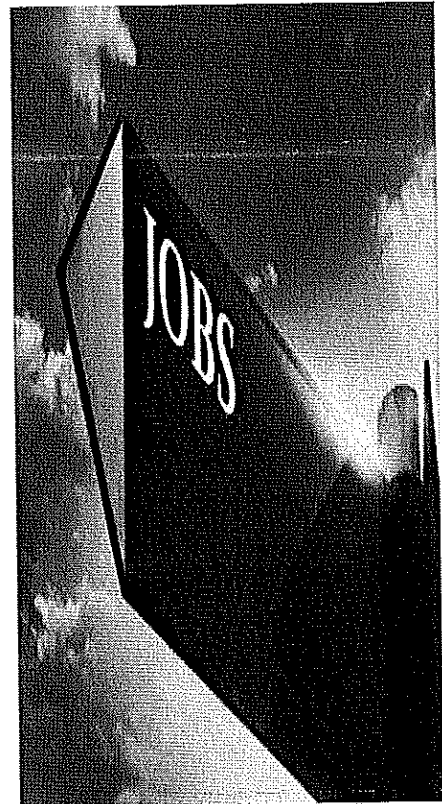
*Associated Press*

Facing huge deficits, Pennsylvania could become the first state to allow both its casinos and lottery to take its games online in a quest for money from new and younger players.

**NCSL data cited.**

### **Booze at the movies gets a bump in New York**

*Albany Times-Union*



FEATURED

### **Unemployment down in 17 states in March**

In March, unemployment rates were significantly lower in 17 states, and generally stable for the rest of the 33 states and D.C., according to the Bureau of Labor Statistics.

NEWS@NCSL

### **Registration open for NCSL Legislative**

Some theater groups and alcohol producers back expanded sales at theaters, though political hurdles remain.

## **How Trump's federal workforce cuts could affect employment across the country**

### *Governing*

Contrary to popular belief, most federal employees actually work outside of the D.C. metro area. See where and how vulnerable regional economies might be to reductions.

## **Summit Aug. 6-9 in Boston**

## **News Reactor: NCSL's nuclear newsletter**

## **April 27 webinar: Brain science: Intervention and policy implications**



## **Virginia to begin monitoring local fiscal distress**

During its 2017 legislative session, the Virginia General Assembly adopted a budget amendment enacting local fiscal distress monitoring guidelines. The auditor of public accounts will establish a workgroup to help determine an early warning system for identifying fiscal distress.



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**From:** Price, Ciara  
**Sent:** Monday, April 24, 2017 12:13 PM  
**To:** 'MARK TOTMAN'  
**Subject:** RE: Luncheon Next Wednesday

Got your voicemail, we're good. Thanks!

Ciara

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**From:** MARK TOTMAN [mailto:marktotman18@aol.com]  
**Sent:** Wednesday, April 19, 2017 11:10 PM  
**To:** Price, Ciara <Ciara.Price@ohiohouse.gov>  
**Subject:** Re: Luncheon Next Wednesday

Ciara,  
Yes the luncheon is 11:30AM at Benesch's office on the 26th floor of the Huntington Bldg. House invitees are Reps LaTourette, Carfagna, Edwards and Stein. The luncheon is very laid back and more of a meet and greet to allow House members to get to know our coalition of contractor associations and labor groups. We look forward to seeing everyone on Wednesday.  
Thank you,  
Mark

On Apr 18, 2017, at 1:48 PM, [Ciara.Price@ohiohouse.gov](mailto:Ciara.Price@ohiohouse.gov) wrote:

Hi Mark,

Do you have any details you could send my way about the luncheon scheduled for next Wednesday at 11:30 am?

Thank you!

*Ciara Price*

Legislative Aide  
State Representative Sarah LaTourette  
House District 76  
77 South High Street, 14th Floor | Columbus, Ohio 43215

Office: (614)644-5088 | Cell: (614)395-2158

[Ciara.price@ohiohouse.gov](mailto:Ciara.price@ohiohouse.gov)

**From:** Gongwer News Service

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## OHIO REPORT TUESDAY, APRIL 25

**House Puts First Stamp On Biennial Budget, Strips Out Kasich Tax Shifting Plans**

**House Adds Medicaid Work Requirements, Removes Long-Term Care Changes In Budget Sub Bill**

**Budget Sub Bill Includes Money For Drug Crisis, Revamped Board Consolidation**

**Most Responses To Budget Welcome Tax Plan Removal; Other Reactions Vary**

**Rosenberger Still Hopeful Unemployment Overhaul Will Make It Into Budget; House Passes Election Bill**

**FirstEnergy CEO, Proponents Urge Support For Zero-Emission Credits Bill**

**Committee Hears First Testimony On 'Duty To Notify' Provision, Other Gun Bills**

**House Panel Reports Bill Exempting Optical Aids From Taxes, Tables Democratic Amendments**

**Lawmakers Leery Of Bill Aimed At Boosting Competition For State-Funded Water Projects**

**Governor's Appointments**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Finance**

**Education**

**Finance: General Government & Agency Review Sub.**

**Finance: Primary & Secondary Education Sub.**

**Finance: Health & Medicaid Sub.**

**House Committee Hearings**

**Finance**

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## **Ways & Means**

### **Economic Development, Commerce & Labor**

### **Financial Institutions, Housing & Urban Development**

### **Federalism & Interstate Relations**

### **Energy & Natural Resources**

### **Public Utilities**

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### **Senate**

## **CALENDARS**

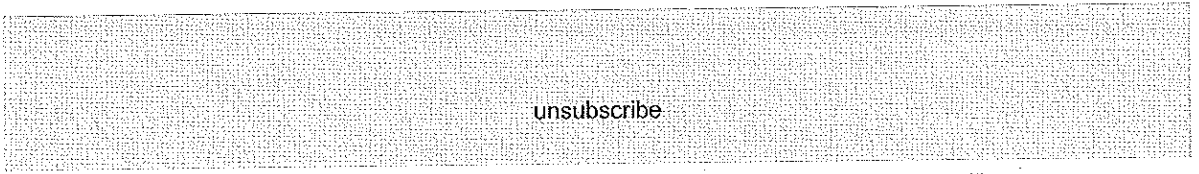
### **Day Planner**

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**Volume #86, Report #79 -- Tuesday, April 25, 2017**

**House Puts First Stamp On Biennial Budget, Strips Out Kasich Tax Shifting Plans**

The removal of Gov. John Kasich's ambitious tax code changes, additional money for schools and the opioid crisis, and cuts to Medicaid spending levels proposed by the administration were among dozens of changes made Tuesday to the Fiscal Year 2018-2019 state budget plan.

While adding a raft of policy amendments (House GOP Synopsis) to the measure (HB 49), House GOP leaders said they cut all-funds spending by roughly \$2.5 billion over the biennium, mostly by adjustments to the Medicaid entitlement as proposed by the governor.

Despite warnings from the Office of Budget and Management that revenue estimates would likely be reduced by \$400 million a year before the budget was finalized, the House stuck with the agency's original projections in crafting the substitute version of the bill. Nevertheless, House officials said they still reduced state-only General Revenue Fund spending by \$363 million, getting the plan near the halfway to the point OBM expects it to land should those latest numbers hold up at the end of June. (Updated Legislative Service Commission spreadsheet)

Speaker Cliff Rosenberger (R-Clarksville) said the reductions from the governor's budget are designed to ensure the state is on firm footing amid a slowing economy.

"These budget adjustments, I believe, put Ohio in a very strong position in the case of a recession and in the case of anything that may happen in the future," he said at a Statehouse news conference held before the Finance Committee meeting.

Finance Chairman Rep. Ryan Smith (R-Bidwell) said the plan includes 1.5% across-the-board cuts in certain line items, with some essential spending areas maintained, along with targeted reductions in certain areas.

Rep. Smith said the budget includes reduced spending of about \$1 billion in Fiscal Year 2018 and \$1.5 billion in FY 2019.

The budget scraps nearly all of the tax changes proposed by Gov. Kasich, though it does reduce the number of income tax brackets from nine to seven. It also removes planned increases in the sales tax for cigarettes, other tobacco products, and other "tax shifting" proposed by Mr. Kasich as part of an overall plan to reduce income taxes.

On the Medicaid front, the budget proposal includes work requirements for certain members of the Group VIII, or expansion, population. Exemptions would exist for those

who are employed, are 55 or older, are medically fragile, are in a recovery program, or are enrolled in an education or workforce program. (*See separate story*)

The sub bill appropriates \$170.6 million to target the opioid crisis. It includes \$9 million for workforce, including SNAP workforce and training funding, \$12.2 million for prevention, \$19.4 for mental health, including drug court and drug lab reports, and \$130 million for treatment, including support for kinship caregivers. (*See separate story*)

"I don't know what the right number is, but in a challenging budget we made a huge investment in this area," Rep. Smith said.

The bill also proposes an increase in \$80 million over the biennium in K-12 education. The core school funding formula will remain similar to how it was in the governor's version, with some changes.

Meanwhile, the House scrapped plans for minor increases to higher education and the Ohio College Opportunity Grant program.

Other changes in the sub bill include language that (LSC Comparison Document):

- Adjusts the Current Agricultural Use Value calculation and phases in the changes over six years.
- Enacts a new banking law.
- Permits the Ohio Consumers' Counsel to operate a call center.
- Limits appropriation increases the Controlling Board can authorize to no more than 10% of a line's total appropriation or \$10 million.
- Requires Controlling Board approval for state government entity advertising purchases for the same purposes that in the aggregate exceed \$50,000.
- Provides some flexibility for counties under the administration's plans to divert low-level offenders from prisons to local confinement.
- Requires anti-trust matters for boards and commissions to be overseen by the Common Sense Initiative and provides for a significantly more limited version of the consolidation plan proposed by the governor.
- Authorizes credit unions to participate in state linked deposit programs.
- Revises fees for county recorder charges.
- Prohibits the Department of Medicaid from increasing provider rates or rolling new populations into managed care without approval of the Joint Medicaid

Oversight Committee and returns Medicaid eligibility determination to the General Assembly.

- Grants the authority to hire and fire the Joint Medicaid Oversight Committee director and Joint Education Oversight Committee director to the House Speaker and Senate President.
- Limits total Medicaid spending on hospitals to \$7 billion a year.
- Authorizes Ohio to enter into a multi-state health care compact.
- Allows for cashless lottery sales but limits them to debit cards and bans credit card usage for ticket purchases.
- Expands video poker to racinos.
- Mandates the Chancellor study the College Credit Plus program.
- Directs trustees rather than IHEs to review and update tenure policies.
- Reduces the number of sick days for university employees from 15 to 10.
- Abolishes the State Board of Career Colleges and Schools and transfers the duties to the Department of Higher Education.
- Retains the Manufactured Homes Commission.
- Requires the Department of Administrative Services to offer a high deductible health plan with a Health Savings account option.
- Abolishes the Board of Sanitarian Registration and transfers duties to the Department of Health.
- Transfers security duties for the Riffe Center from DAS to the State Highway Patrol.
- Reimburses mileage for General Assembly members for a session outside of the seat of government.
- Maintains current law regarding veteran preferences for state hiring.
- Eliminates the Constitutional Modernization Commission on July 1.
- Scrap the centralized collection of municipal taxes and makes related adjustments to the Ohio Business Gateway. (See Gongwer Ohio Report, April 21, 2017)

- Reduces the Commercial Activity Tax administrative earmark to the Department of Taxation to 0.75%.
- Exempts prescription eyewear from the sales tax starting in FY 2020.
- Exempts legislative projects from DAS construction and renovation procedures.
- Clarifies that public officials are allowed to accept registration fees, travel expenses and meals during a meeting or convention of national, state and regional groups to which a government body pays dues.
- Requires health plans to cover telemedicine the same was as in-person services.
- Provides for 90-day early release for non-violent and non-sex offenders that get a HS diploma or equivalent.
- Requires Parole Authority to notify a county sheriff two weeks before a felon's release.
- Replaces pilot program for truck registration in HB 26 with a new fee schedule.
- Allows Stark County to increase its lodging tax up to 3%.

Rep. Smith said the Finance Committee will meet every day this week to accept testimony on the sub bill, with the deadline for amendments to be included in the omnibus amendment set for Friday. He said he intends to have the committee accept the omnibus amendment Monday and vote the bill out of committee.

"This is a step in a very long process," he said.

Democrats on the Finance Committee did not object to the acceptance of the sub bill, but Ranking Member Rep. Jack Cera (D-Bellaire) said that while his caucus supports some of the changes, it has concerns with others.

"We have questions on a variety of items and we hope to have vigorous debate over the next few days," he said.

### **House Adds Medicaid Work Requirements, Removes Long-Term Care Changes In Budget Sub Bill**

A proposal in the House version of the biennial budget bill (HB 49) would require certain Medicaid beneficiaries to have employment.

The plan, included in the substitute version House leaders rolled out Tuesday (*see separate story*) would require that people in the Group VIII, or expansion, population

either be employed, be 55 or older, medically fragile, in a recovery program or enrolled in an education or workforce program.

The House version also retains a provision offered by the Kasich administration to levy premiums on certain Medicaid enrollees who make more than 100% of the poverty level. (See Gongwer Ohio Report, January 30, 2017)

The sub bill includes a host of other changes on issues related to Medicaid. Those alterations were among revisions that the House expects will reduce the overall cost of the as-introduced bill by \$2.5 billion over the biennium. In the Department of Medicaid alone the House version of the budget is expected to spend \$1 billion less over the biennium than the version as introduced.

It would move the planned implementation of the behavioral health redesign back six months, pushing the use of new payment rates to Jan. 1, 2018, and the carve-in to managed care to July 1, 2018.

The House also pushed back a proposal to fold Medicaid long-term services and supports into managed care to 2021 at the earliest, and would require that a study committee review the issues and report by June 30, 2020. (See Gongwer Ohio Report, March 24, 2017)

The House version also eliminates proposed new waivers for individuals with disabilities, and eliminates proposed rate increases for providers. It would limit Medicaid spending on hospitals to a total of \$7 billion per year.

Language that would require hospitals to contract with managed care plans, cited as a concern by hospitals who said it would cost them leverage in negotiations, was also removed from the bill. (See Gongwer Ohio Report, March 22, 2017)

The sub bill also states the House's intent that the state would create a program similar to the Healthy Ohio proposal in the last budget if the federal government makes Medicaid a block grant. (See Gongwer Ohio Report, September 19, 2016)

As previously announced by the House leadership, the governor's plan to move the Children with Medical Handicaps program into Medicaid was removed, and BCMH will be funded at \$3 million per year. (See Gongwer Ohio Report, April 11, 2017)

One issue that was not addressed in the sub bill is the planned replacement of the sales tax on Medicaid managed care organizations. House Finance Committee Chairman Rep. Ryan Smith (R-Bidwell) said parties are still working on a potential compromise to alleviate some concerns. Counties and local transit authorities, which would no longer be able to levy a piggyback tax, have voiced concerns with the proposed replacement plan.

"We haven't landed on a plan that we feel like we're comfortable with yet," Rep. Smith said in an interview. "It's early in the discussion on that. It's big policy and we just haven't gotten there yet. The door's not closed on the conversation; we're just not there yet."

The chairman said it's unlikely a plan for that is in place before next week's omnibus amendment.

### **Budget Sub Bill Includes Money For Drug Crisis, Revamped Board Consolidation**

A highlight for House Republican leaders in the rollout of their substitute version of the budget bill (HB 49) Tuesday was the addition of more than \$170 million for initiatives designed to combat Ohio's drug epidemic.

Part of the House's HOPES agenda, for Heroin, Opioid Prevention, Education and Safety, the money targets prevention, treatment, mental health and workforce.

House leaders also unveiled their version of Gov. John Kasich's proposed licensing board consolidation, which now includes fewer board mergers.

Speaker Cliff Rosenberger (R-Clarksville) and House Finance Committee Chairman Rep. Ryan Smith (R-Bidwell) touted the infusion of money to the drug problem, saying it attacks the issue from several directions.

"It's an all-hands-on-deck call," Rep. Smith said at a Statehouse news conference. "Everyone needs to be part of the solution in helping solve this problem."

The \$12.2 million dedicated to prevention includes money for community coalitions and investments in technology and innovation. It includes the creation of websites in every county and a public awareness campaign that includes an app to connect people to local services.

Included in the \$130 million allocated for treatment is a \$30 million increase over the biennium for child protective services, a \$10 million allotment of federal TANF dollars for child care for kinship families, a \$24 million distribution to ADAMHS boards for treatment, \$20 million in capital to expand treatment facilities or build new and a pilot program to turn nursing beds into treatment beds.

On the mental health side, the \$19.4 million includes \$6 million per year for mental health stabilization centers, and a mandate that insurance companies cover telemedicine, which can help provide services in underserved and rural areas.

The workforce provisions include \$2 million per year in SNAP workforce and training funding.

"It's a multifaceted problem and it's a multifaceted, comprehensive approach," Rep. Smith said. "I recognize that this is one step in the process. This conversation's going to continue for a long time."

The state spending will help, Speaker Rosenberger said, but the end result of the efforts to fight the epidemic will come down to the work in communities.

"I think ultimately these things make a huge impact," he said. "But no dollar amount, in my opinion, really equates to the amount of help we can do for each other."

**Board Consolidation:** The House version keeps a few elements of the governor's licensing board consolidation proposal, but makes some changes.

It moves the antitrust review from the Department of Administrative Services to the Common Sense Initiative. It consolidates the Optometry and Optical Dispensers boards into the Vision Professionals Board, and the Speech Language Pathology and Audiology and Hearing Aid Dealers and Fitters boards to the Hearing Professionals Board.

It also eliminates the requirement that orthotics, prosthetics and pedorthics professionals be licensed and dissolves that board.

While that plan doesn't go as far toward consolidation as the governor's proposal, House Republicans said it will meet the goal of having an independent review of anticompetitive activity and consolidate some boards, allowing them to cross-train staff.

"We're happy to meet him, I think, halfway or more than halfway in this important venture," Rep. Bill Seitz (R-Cincinnati) said.

The plan is not expected to save State General Revenue Fund money, as the boards are funded solely by license fees, he said.

The House also preserved the Manufactured Homes Commission as an independent entity, and the executive proposal to combine the State Board of Cosmetology and the Barber Board.

The Board of Sanitarian Registration would be abolished and moved to the Department of Health.

### **Most Responses To Budget Welcome Tax Plan Removal; Other Reactions Vary**

Reactions to the House's extensive budget bill changes Tuesday largely focused on the tax components but otherwise ran the gamut depending on the interest group.

Emmalee Kalmbach, spokeswoman for Gov. John Kasich, said the administration was still analyzing the details of the changes but welcomed the focus on spending restraint.

"Balancing our budget and restraining spending are essential to fostering a jobs-friendly climate and continuing Ohio's economic recovery. Speaker Rosenberger and his colleagues in the House understand that and it's reflected in the ideas they offered today," she said.

"We look forward to taking a closer look at the details, sharing whatever feedback we may have and then eventually moving forward to the Senate where President Obhof has a similar commitment to conservative budgeting. Together we will protect Ohio's hard-won budget health and keep our state moving forward."

The Public Children Services Association of Ohio applauded plans to allocate an additional \$15 million per year in Child Protection Services as part of the overall plan to address the opioid addiction crisis.

"Ohio's opiate epidemic is challenging the county children services agencies to provide essential services to our vulnerable children - the innocent victims. We have 1,400 additional children in foster care than just 6 years ago who have very complex, costly needs. We are challenged with having enough foster parents to care for these children and unable to provide adequate supports to their kinship families," PCSAO Executive Director Angela Sausser said.

The proposal would mark the first increase in state funding for county children services in over a decade, she said. The line item was cut by 21% in 2009 and has remained flat funded at around \$45 million per year since.

"We are hopeful that the Senate will maintain this new investment and consider additional funding for children services to address this growing epidemic," Ms. Sausser said.

K-12 education interests, while appreciative of the House's overall increases, continued to raise concerns with the plan.

The Ohio School Boards Association, Buckeye Association of School Administrators and Ohio Association of School Business Officials said in a joint statement that the House "has done the best it could with the executive budget it was given."

"We remain concerned about the losses many school districts and educational service centers will experience compared to funding they received in the last budget. We continue to be concerned about using the State Share Index to determine how much state funding schools receive, as well as the significant loss of tangible personal property tax payments some districts are experiencing," the groups stated. "Also, we had hoped to see more money for transportation. School district buses drive 158 million miles each year, the cost of which draws away classroom funding, especially in low-wealth rural school districts."

"This budget continues to shortchange students in districts that lack the capacity to address the challenges posed by poverty. Year after year, data clearly show that



students' educational attainment in districts with high concentrations of poverty perform starkly below their counterparts in more affluent districts."

Ohio Education Association President Becky Higgins said her group appreciated the additional education funding given the tight revenue situation, "and we are glad the House listened to the voices of educators and removed the unnecessary and unworkable teacher 'externship' proposal."

"We look forward to continuing to work with members of the House and Senate to ensure equitable and adequate funding for all students, no matter their zip code or family income," she added. "We also encourage the House and Senate to address Ohio's looming graduation crisis by incorporating the recommendations of the Graduation Requirements Work Group and State Board of Education in the budget."

Jack Hershey, president and CEO of the Ohio Association of Community Colleges, thanked the House for removing the controversial textbook provisions from the bill and the inclusion of funding for a certificate attainment program.

"The House-substitute version of HB49 recognizes that community colleges do not have an affordability problem; rather, the budget provides our colleges with the resources to implement reforms aimed at improving student outcomes to help our students move directly into the thousands of middle-skills jobs currently waiting for them at Ohio employers," he stated.

"By funding short-term certificate programs tied to in-demand fields, the House recognized the value that these short-term training programs have in providing an immediate boost to Ohio employers who are desperately looking for employees in these fields to grow their businesses."

"The House showed in this budget that they want community colleges to move quickly to help more Ohioans move through our classrooms and laboratories into the workplace. Ohio's community colleges stand ready to accept their challenge," Mr. Hershey added.

Policy Matters Ohio Research Director Zach Schiller said the House version has positives, such as the "support for opioid treatment, children's services and certain other human services, along with modest additions to K-12 spending." He also praises the elimination of the income tax cut and sales tax hikes, and the inclusion of \$2 million to support employment and training programs for people eligible for food assistance and "improvements in how Ohio regulates for-profit career colleges."

"However, the House Republican plan also contains some significant negatives, such as seeking federal approval for work requirements for many of the 700,000 Ohioans who benefitted from Medicaid expansion. Modest spending additions the governor had proposed for higher education and need-based financial aid for students were eliminated," he said.

Ohio Farmers Union President Joe Logan welcomed the CAUV language in the measure as well as the elimination of tax cuts.

"Fixing the broken Current Agricultural Use Value formula remains our number one issue at the state level," he said, while adding: "We're reserving final judgement on the House's proposal until we see the actual bill."

Regarding the tax policy changes, Mr. Logan said the House "deserves praise for the independence of mind that allowed them to break out of the economic straight jacket that continued income tax cuts impose.

The Home Matters to Ohio campaign lauded changes that included an expansion of the Ohio Housing Trust Fund.

"Today the Ohio House stepped up to the plate to provide additional resources for housing homeless veterans, seniors on fixed incomes, and Ohioans with disabilities. We are grateful to House leaders for recognizing the value of the Ohio Housing Trust Fund and for working to strengthen it by modifying recording fees in the new budget bill," said Bill Faith, executive director of the Coalition on Homelessness and Housing in Ohio. "House leaders called for all-hands-on-deck to fight Ohio's opiate crisis and we're proud to be part of the solution."

American Petroleum Institute Ohio Executive Director Chris Zeigler welcomed the Ohio House Finance Committee's decision to remove the proposed severance tax increase.

"The committee's decision recognizes that our industry is an important part of the solution for advancing Ohio's economic and employment goals," he said. "Pro-growth tax policy and smart, science-based regulations will ensure that the state's oil and natural gas industry continues to provide benefits for Ohio's economy, consumers, workers and our environment.

Gavin DeVore Leonard, state director of One Ohio Now, expressed support for the moves to strip the tax provisions and bolster the drug epidemic fight.

"With growing questions about the effectiveness of income tax cuts and revenue shortfalls, this signals an opportunity to begin a new conversation about tax policy," he said. "We also applaud the 'all hands on deck' approach to addressing the opiate epidemic. Targeted investments like these can provide hope, save lives, and strengthen communities."

Jeff Stephens, director of government relations in Ohio for the American Cancer Society Cancer Action Network, said he was disappointed the House didn't increase taxes that could "reduce the terrible toll of tobacco use" in the state. "Increasing the cigarette tax by \$1.00 per pack would raise a much needed additional \$313 million per year, and most importantly stimulate an 11% reduction in the youth smoking rate," he said. "Fifty years of evidence also indicates that matching the other tobacco products tax to the cigarette

tax level and restoring tobacco cessation and prevention funding to levels from the mid-2000s, would deter our youth from initiating a lifetime of addiction to tobacco products."

**Lawmakers React:** Speaker Cliff Rosenberger (R-Clarksville) and Finance Chairman Rep. Ryan Smith continued to comment on the changes following House session Tuesday, when they fielded questions from reporters.

On allowing video poker terminals at racinos, which the Legislative Service Commission estimates would boost annual profits to education by \$12.5 million a year, Rep. Smith said: "This isn't about balancing the budget. This is about funding schools."

Rep. Smith said of a provision eliminating a physician's statement requirement for medical marijuana that the Ohio State Medical Association "had concerns that it was a requirement for physicians to weigh in when they didn't necessarily feel like they had to. It's more permissive."

The bill also speeds up the sunset of the Ohio Constitutional Modernization Commission to July 1.

"I think that at this juncture, it's run its course and now it's time to just move on," Speaker Rosenberger said.

Outgoing Minority Leader Joe Schiavoni (D-Boardman) said, "I have said for months that tax cuts should not be a priority when our schools are not adequately funded and our state is facing the worst public health crisis in decades. It appears the House has listened to the cries of their constituents and their communities. But the heroin epidemic is not going to be fixed overnight," he said. "We must keep Medicaid expansion and continue increasing investment in our state's treatment infrastructure in order to make any long-term progress."

"While I appreciate some positive changes that my colleagues in the House made to Governor Kasich's budget, there are still troubling aspects," the lawmaker added. "I oppose any efforts to quietly slip in major changes to charter school sponsor evaluations. We should be strengthening accountability in charter schools - not weakening them."

Rep. John Boccieri (D-Alliance) questioned the inclusion of language regarding probate court authority over park districts.

"The fact that the majority included this amendment in the sub bill to me shows us that Columbus is intent on quelling dissent," he said in a statement. "Allowing a probate judge to fine or impose penalties on community members who voice concerns about park board decisions weakens our democracy."

Rep. Niraj Antani (R-Miamisburg) stated, "I'm proud of the fiscally conservative budget the House introduced today, which gets rid of dangerous tax increases included in the original version."

"This budget will continue Ohio on a stable path to prosperity, including providing more funding to our schools and to fight the heroin epidemic," he added.

Sen. Sean O'Brien (D-Hubbard) said, "The budget version that was delivered to the House today for consideration does some very good things for my district and the greater state of Ohio; but it is still going to require a lot of work here in the Senate."

"While I was happy to see more funding to fight the scourge of opioid drug addiction, as well as an increase in funding for most of the schools in my district, I'm concerned about cuts to Medicaid that are still included," he said.

### **Rosenberger Still Hopeful Unemployment Overhaul Will Make It Into Budget; House Passes Election Bill**

House Speaker Cliff Rosenberger said he is still hopeful that an overhaul of the unemployment compensation system will be included in the state's two-year spending outline.

Speaking to reporters following Tuesday's session, the Clarksville Republican said business and labor leaders continue to work with an actuary to reach a compromise on the issue that stalled during the last legislative session.

"It's going behind a little more than I'd like it to," he said.

While not included in the substitute version of the state's budget (HB 49) adopted in the House Finance Committee Tuesday (*See separate story*), the speaker still believes it can become part of the final version of the bill that is sent to Gov. John Kasich near the end of June.

"We'll probably drop a stand-alone bill and allow some process to happen with the hope that we get something done by conference committee," he said.

Also absent from the budget is a change in the way in which congressional districts are redrawn every ten years.

While Speaker Rosenberger said discussions on the issue are still taking place, he did not speculate when a resolution might come about.

"We've got people still talking and crafting and looking through language," he said, adding that House members have been working with their counterparts in the Senate and administration.

On Monday, three non-profit groups filed initial signatures to place a measure addressing the issue on the ballot.

**Floor Action:** In a full session Tuesday the House approved legislation (HB 18) to end the requirement that the state hold a special primary election to replace a party's candidate for congress if the special primary is uncontested. The bill passed in an 84-0 vote.

The need for the legislation arose last year when the state was forced to hold a special primary election after a candidate withdrew from the 8<sup>th</sup> Congressional District race 107 days before the election.

The special election cost more than \$340,000, sponsoring Rep. Dorothy Pelanda (R-Marysville) said. She called the measure "common sense legislation."

The House also unanimously approved a bill (HB 94) to designate February as "Teen Dating Violence Awareness Month."

Sponsoring Rep. Emilia Sykes (D-Akron) said one in three adolescents across the country is a victim of physical, sexual, emotional or verbal abuse from a dating partner.

"This bill in particular is important because safe relationships for youth are created when communities work together to eliminate violence while also educating our youth on signs of harmful relationships," she said.

Rep. Rick Perales (R-Beavercreek) told his colleagues that "the harsh reality is teen dating violence is so common, that among high school teens who date, 21% of females and 10% of males experience some form of partner violence."

The House also unanimously approved a measure (HB 45) to designate May as "Neurofibromatosis Awareness Month."

Rep. Robert Sprague (R-Findlay) said he introduced the measure to honor a boy in his district fighting the disease.

Rep. Nickie Antonio (D-Lakewood) also spoke in favor of the bill, telling her colleagues, "It's very important that we acknowledge their fight and hopefully continue research for this disease."

### **FirstEnergy CEO, Proponents Urge Support For Zero-Emission Credits Bill**

FirstEnergy President and CEO Chuck Jones told lawmakers Tuesday that a bill to create zero-emission credits for the company's nuclear power plants is not a bailout or an attempt to undermine natural gas generation.

Rather, the bill (HB 178) is an effort to shore up struggling plants, thereby saving thousands of direct and indirect Ohio jobs, Mr. Jones said in a rare appearance before the House Public Utilities Committee.

"By helping to appropriately value Ohio's nuclear plants, ZEN will assure they continue to support well-paying jobs, economic growth, environmental progress and, of course, reliable and affordable electricity," Mr. Jones said.

But opponents who will testify in the coming weeks are unlikely to be swayed by proponent arguments. In a statement timed with the bill's first informal hearing, opponent American Petroleum Institute Ohio argued the bill would tip the scales away from more competitive natural gas plants.

"Instead of subsidizing nuclear power companies, we should let the markets work to protect consumers," Executive Director Chris Zeigler said. "Moving forward, Ohio state legislators should protect Ohioans by rejecting this misguided legislation."

The bill (HB 178) and its Senate companion (SB 128) would establish the Zero Emission Nuclear Resource Program, which would create the credits to be priced by the Public Utilities Commission of Ohio and purchased by distribution utilities with nuclear plants. The program is based on similar programs in Illinois and New York that are already at the center of lawsuits. (See Gongwer Ohio Report, April 12, 2017)

Mr. Jones' personal appearance before the panel is a signal of how important the legislation is to the Akron-based company. Although no stranger to lawmakers, Mr. Jones, like other utility CEOs, typically leaves the committee testimony to others.

Mr. Jones promised lawmakers that if passed, the Ohio bill would undoubtedly be challenged in court. But he said it's necessary to secure the future of the Davis-Besse and Perry plants and their economic footprints.

Still, he told the panel he could not guarantee the plants would not close even if the bill became law.

"What I can tell you is the future of these assets is more certain with this legislation," Mr. Jones said.

Rep. Kent Smith (D-Euclid) questioned Mr. Jones on previous remarks in which he told stakeholders the company is planning to sell or close the plants by mid-2018. (See Gongwer Ohio Report, February 24, 2017)

"Are you going to sell these plants and is the ZEN legislation just going to drive up your asking price?" Rep. Smith asked.

Mr. Jones said he doubts the legislation would raise the plants' value above the level at which the company could make a profitable sale.

"I couldn't sell them if I wanted to and there's nobody knocking on my door to buy them," Mr. Jones said. "I'm just being honest with you. I don't think you should base this decision on whether FirstEnergy owns these or not. You should base it on these are critical assets for the future of the state."

Rep. Mark Romanchuk (R-Mansfield) read an excerpt from previous testimony from FirstEnergy on an unrelated bill in which the company said it was "concerned about any effort to subsidize certain generating facilities."

Given that FirstEnergy is now asking for its own subsidy, Rep. Romanchuk asked what has changed.

"I do not view this as a subsidy," Mr. Jones replied. "I view this as a decision the state of Ohio has to make on whether they want to pay the plants for the economic benefits they bring, for the environmental benefits they bring."

Chairman Rep. Bill Seitz (R-Cincinnati) said in an interview that committee discussion on the bill won't kick into high gear until after the House votes on the budget. That vote is expected to occur May 3.

"After the budget vote, which will be next Wednesday, we'll have to reconnoiter and they want further proponent testimony," Rep. Seitz said. "What we will likely do is give perhaps proponents and opponents a chance to speak. I have a feeling there will be a large number of opponents."

Also testifying in support of the bill were the Affiliated Construction Trades Ohio Foundation, Perry Township, the Benton-Carroll-Salem School District, and the Regional Growth Partnership of Northwest Ohio.

Vermont Selectboard Chairman Josh Unruh also testified, describing the impact the closure of a Vernon, Vt., nuclear plant had on his community.

### **Committee Hears First Testimony On 'Duty To Notify' Provision, Other Gun Bills**

A House panel on Tuesday took up several pieces legislation that would revise Ohio's gun laws.

The House Federalism & Interstate Relations Committee held first hearings on four gun-related bills - one offered by Republicans and three brought forth by Democrats.

The GOP-sponsored bill (HB 142) removes the "duty to notify" provision from the state's concealed carry law.

Under current law, concealed handgun licensees who are carrying a weapon or have one ready at hand must promptly notify law enforcement when stopped.

"This language is vague, arbitrarily enforced and takes the control of the dialogue away from a law enforcement officer and gives it to the subject of a law enforcement encounter," sponsoring Rep. Scott Wiggam (R-Wooster) said.

He also said the duty to notify clause is "discriminately and arbitrarily enforced."

Rep. Wiggam also issued a rebuttal to opponents of the measure who are likely to argue the bill will put law enforcement officers in danger.

"Opponents of the Second Amendment and those who seek to limit the ability of private citizens to carry firearms continually mention officer safety during this conversation. Every single one of us in this room care deeply about the men and women who have devoted their lives to protecting our communities from those who seek to break our laws and do us harm," he said.

"I cannot thank these public servants enough for their service to our great state. With this in mind, we must not allow their bravery to be used as a pawn by others to stir up passion to cloud the logic of law."

Asked by Rep. Adam Miller (D-Columbus) if he has spoken with law enforcement organizations, namely the Fraternal Order of Police of Ohio, about the issue, Rep. Wiggam said he has made several groups aware of the legislation and talks are ongoing.

Rep. Wiggam also said Ohio is in the minority of states with its notification provision.

Rep. John Becker (R-Union Twp.) called the notification requirement "silly."

"It only applies to the good guys, which makes it really silly," he said.

The panel also heard sponsor testimony on three pieces of legislation offered by Rep. Bill Patmon (D-Cleveland), including a bill (HB 151) to implement universal background checks on the sale of firearms.

Given increases in gun violence across the country and in Ohio, universal background checks are necessary, he said.

"It seems superfluous that we require federally licensed firearms dealers to run background checks, but don't require them of transactions between private parties," he said. "Private parties can buy and sell many guns a year while claiming not to be engaged in the business of selling firearms."

He went on to compare the proposal to airport security - something all airline passengers must go through.

"Regardless of who you are, we all go through one form of this security or another. We're okay with this fact because we know that this is one of the ways terrorism is prevented," he said. "To buy a gun from a federally licensed firearms dealer you must provide identification and certify on a form that you are buying the gun for yourself and that you do not belong to any of the classes of people who are prohibited from purchasing or possessing firearms."



Another bill (HB 152) sponsored by Rep. Patmon would require those who have been convicted of a felony to disclose that information when applying for a hunting license.

"The purpose of disclosing a felony conviction is so that we are better able to make distinctions between law-abiding citizens who have given us no reason to distrust them with a firearm and those citizens who are convicted felons and should therefore be restricted in access to and use of firearms when discussing wildlife sporting activities," Rep. Patmon said.

Rep. Derek Merrin (R-Maumee) questioned the intent of the legislation, specifically whether the aim is to prevent those with felony convictions from obtaining a hunting license.

Rep. Patmon said that is not the intent. However, he said under current state law, convicted felons are not supposed to be in possession of firearms.

The final measure (HB 153) would ban the manufacture or sale of imitation firearms in Ohio.

Toy guns, Rep. Patmon, said are a "nuisance to public safety."

"As a rule, when toys pose safety hazards, we pull them off of the shelves. In the case of imitation firearms, the opposite has taken place - we continue to make them more and more life-like," he said. "This increases the chances that they will be mistaken for the real thing."

"Police often have to make split second decisions regarding the validity of a firearm when they are thrust into a situation. When all that differentiates a firearm from an imitation one is a coat of paint or some stickers, let's take the guess work out of it. A toy should look like a toy."

### **House Panel Reports Bill Exempting Optical Aids From Taxes, Tables Democratic Amendments**

A House committee Tuesday advanced a bill to exempt prescription eyeglasses and contact lenses from sales and use tax after tabling a Democratic amendment to similarly exempt feminine hygiene products from those same taxes.

Also tabled was a Democratic amendment that would have held local governments harmless from lost tax revenue if the bill passes. The Legislative Service Commission estimates the bill would result in a loss of \$18.5 million in General Revenue dollars and \$700,000 in the local government and public library funds in Fiscal Year 2018. (Fiscal Analysis)

In both cases, House Ways & Means Chairman Rep. Tim Schaffer (R-Lancaster) said the proposals need more vetting "through another forum."

Before voting the bill (HB 124) out of committee, members did adopt one amendment from Rep. Derek Merrin (R-Maumee) that shifts the effective date of the bill from July 1, 2017, to July 1, 2019.

"The goal here is the same and that is to remove the sales tax from prescription eyewear as soon as possible," Rep. Merrin said. "I believe this puts the bill in the best position possible to make sure this become law."

Language implementing the vision correction tax exemption was added to the budget bill (HB 49) earlier Tuesday. (*See separate story*)

Rep. Emilia Sykes (D-Akron) offered the amendment pertaining to feminine hygiene products, saying that the same arguments made during testimony about the necessity of prescription eyewear can be applied to those products.

"I can personally attest that having access to eyewear is a necessary part of my life," she said. "Additionally, I can attest to the fact feminine hygiene products are a necessary tool and device to use and without either eyeglasses or feminine hygiene products it makes it very difficult...for people to actively participate in work and school and be productive citizens of the state of Ohio."

The amendment was tabled by a 10-8 vote with Republicans Rep. Doug Green (R-Mt. Orab) and Rep. Larry Householder (R-Glenford) joining Democrats in voting against tabling the measure.

Democrats and Rep. Householder also voted against the tabling of the hold harmless amendment offered by Rep. John Rogers (D-Mentor-on-the-Lake). That amendment failed by a 12-6 vote.

"It's a valid proposal," Rep. Rogers said of the bill, "that does have an impact on local governments and libraries."

Rep. Steve Hambley (R-Brunswick) said he agreed in principle with holding those communities harmless but that the matter is better left to the 133<sup>rd</sup> General Assembly, which would be in session when the amended bill takes effect in 2019.

Rep. Green, meanwhile, expressed continued reservations about the bill's exemption of all expensive designer frames from sales and use tax.

"My personal belief is the frame itself or a portion of the frame value should be taxed," he said.

The Ohio Opticians Association, the Ohio Optometric Association and the ECP Network submitted written proponent testimony.

The committee also reported a bill (HB 118) to prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner. No witnesses appeared to speak to that bill.

### **Lawmakers Leery Of Bill Aimed At Boosting Competition For State-Funded Water Projects**

Lawmakers on Tuesday questioned the impacts of a bill that backers argue intends only to allow municipal project engineers to consider multiple types of piping for state-funded water or wastewater projects.

The measure (HB 121), which is a scaled-back version of a legislation introduced in the last General Assembly, is endorsed by the industry that produces PVC and other types of plastic pipes.

A dozen witnesses told the House State and Local Government Committee on Tuesday that approving the legislation to require public authorities to consider all piping materials they deem appropriate would increase competition and save the state money.

However, a handful of lawmakers said they're leery of the bill's language and the possibility that design engineers would be required to do extensive research on piping materials and allow bids from companies that don't use preferred materials.

Ohio Chemistry Technology Council President Jenn Klein said the goal of the bill is to give designers the ability to consider alternatives to traditional piping materials such as cast iron.

Currently more than a third of all Ohioans live in jurisdictions that limit the type of materials that can be used for water and wastewater projects, she said.

"Opening up this market to competition will strengthen Ohio communities by allowing them to determine what the most appropriate material is," Ms. Klein said.

More cost-effective options or the creation of competition to lower costs on traditionally used materials is important to Ohio now because it needs \$12.1 billion in drinking water infrastructure and \$14.5 billion in wastewater infrastructure improvements over the next 20 years, she said, citing American Society of Civil Engineers estimates.

In comparing central Ohio cities with different bidding policies, OCTC found that a city with an open bidding process saved it about 35% on its project - which used both traditional and plastic piping - when compared to a city with closed bidding policies, Ms. Klein said.

Multiple committee members, including Chairwoman Rep. Marlene Anielski (R-Walton Hills) raised concerns about the bill, however.

Rep. Anielski said she was confused by testimony describing the bill as permissive when it reads that public authorities shall consider a range of materials.

Likewise, Rep. John Becker (R-Union Twp.) and Rep. Glenn Holmes (D-McDonald) said they're worried engineers would feel obligated to spend time and taxpayer money researching materials that haven't historically been used in their municipalities.

"I'm concerned the engineers are going to be in a bind with this," Rep. Becker said.

Ms. Klein said the bill wouldn't require engineers to consider materials they don't think are appropriate for job.

"The intent is not that they have to bring a spreadsheet of all the materials they could have potentially used," she said. "By saying shall, it gives the local engineer the authority that they don't have now to look at materials.

"I think in crafting the legislation, we were trying to be deferential to the locals," she added later. "Those that have existing ordinances, this would allow them, if they wanted to, to continue to defer to that local ordinance."

Rep. Rick Carfagna (R-Westerville) requested a list of the municipalities that currently have closed bidding processes. He debated whether the legislature should take a more targeted approach to those communities where all available piping materials aren't being considered.

Also questioning whether the topic could be addressed on a smaller scale, Rep. Janine Boyd (D-Cleveland Hts.) asked why engineers interested in pursuing the use of alternative materials in water and wastewater projects couldn't simply ask local authorities for permission.

"It just seems to me that these conversations should be local," she said.

John Serrano, director of government affairs for the Vinyl Institute, said the vinyl industry is working with local communities to change attitudes and inform engineers about alternative piping materials.

Making a change on the state level would be the most effective route to breeding competition, though, he said.

"There is a lack of choice and limit on competition that has created local monopolies in pipe markets and increased the costs of funding new and replacement projects at a time when budgets are already tight," Mr. Serrano said. "There is no reason our cities and water engineers should be prohibited from choosing the most appropriate pipe material for their project."

Mr. Serrano told committee members that plastics companies aren't angling to market the industry so much as give engineers options.

**Subscribers Note:** Complete testimony is available on the committee's website under April 25.

### **Governor's Appointments**

**State Veterinary Medical Licensing Board:** Dr. Craig Miesse of Celina for a term beginning April 24, 2017, and ending December 31, 2019.

**Housing Trust Fund Advisory Committee:** Laura Swanson of Columbus, William Faith of Columbus, Deborah Lieberman of Dayton, and Angela King of Celina have been appointed to the for terms beginning April 24, 2017, and ending March 18, 2021.

### **Supplemental Agency Calendar**

**Thursday, April 27**

Straight A Fund Governing Board, 25 South Front Street, Columbus, 3 p.m.

### **Supplemental Event Planner**

**Tuesday, May 2**

School choice rally, West Plaza, Statehouse, Columbus, 11 a.m.

**Wednesday, May 3**

Smart Justice - Buckeye Institute panel discussion on criminal justice, Davidson Theatre, 77 S. High St., Columbus, 5 p.m., (For more information and to register see <https://www.buckeyeinstitute.org/events/detail/smart-justice-the-all-star-series>)

**Tuesday, May 16**

Rep. Margaret Conditt (R-Liberty Township) fundraiser, Condado Downtown, 132 S. High Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Margy Conditt)

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## House Activity for Tuesday, April 25, 2017

### PASSED

**HB 18** ■ **SPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances.

84-0

Gongwer Coverage

**HB 45** ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

88-0

Gongwer Coverage

**HB 94** ■ **MONTH DESIGNATION** (Sykes, E., Perales, R.) To designate February as "Teen Dating Violence Awareness Month."

91-0

Gongwer Coverage

### HOUSE SPEAKER'S APPOINTMENTS

Ohio War Orphans Scholarship Board: Rep. Johnson

### COMMITTEE HEARINGS

#### Finance

**HB 49** ■ **BIENNIAL BUDGET** (Smith, R.) To provide authorization and conditions for the operation of state programs. (**CONTINUED-SUBSTITUTE** (See separate stories); 10th Hearing-Possible substitute)

#### State & Local Government

**HB 121** ■ **PIPE MATERIALS** (Edwards, J.) To require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project. (**CONTINUED** (See separate story); 2nd Hearing-Proponent)

**HB 122** **ECONOMIC DEVELOPMENT** (Hambley, S., Rogers, J.) To establish a Regional Economic Development Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. (CONTINUED; 2nd Hearing-All testimony)

Hudson Mayor Bill Currin, who is chairman of the Northeast Ohio Mayors Association and City Mayors Association's Regional Prosperity Initiative, urged lawmakers to approve the creation of the study committee.

"Collaborative metropolitan economic development has been shown to benefit all participating entities," he said in prepared testimony. "The committee would study the features, benefits and challenges involved in establishing metropolitan economic development alliances that would incentivize cooperation, enhance success, and provide for greater efficiency in economic development among participating municipal corporations, namely in metropolitan areas."

He stressed that the bill simply creates a study committee and does not require local governments to implement any initiatives.

Tom Bier, senior fellow with the Maxine Goodman Levin College of Urban Affairs at Cleveland State University, also supported the bill, laying out the benefits of collaboration.

**HB 134** **SCHOOL GRANTS** (Hambley, S., Kick, D.) To allow community improvements board grants to a school district to be spent for permanent improvements outside the county so long as the improvements are within the school district. (CONTINUED; 1st Hearing-Sponsor)

The bill would affect just three school districts in the state, all of which are in Medina County, joint sponsor Rep. Steve Hambley (R-Brunswick) said. Those are Black River, Norwayne and Rittman school districts.

"Currently, Medina County is the only county in Ohio that has a sales and use tax for permanent improvements that go to school districts in the county," he said. "Since approved by the voters in May, 2007, a one-half percent sales and use tax is distributed on a per-pupil basis to each school district and can be spent only for permanent improvements within the county."

Three districts currently serve portions of the county, but don't have physical facilities in the county so they can only spend their Medina County sales tax grant money on school vehicles and textbooks under state law, Rep. Darrell Kick (R-Loudonville) said.

We have heard from administrators at these districts that if they had the option, they would invest these dollars in building repair and improvements," he said. "Because of this technicality in law, they are currently prohibited from doing so."

**HB 135** **DAY DESIGNATION** (Patmon, B.) To designate June 12th as "Superman Day." (CONTINUED; 1st Hearing-Sponsor)

The day designation would "codify one of Ohio's global contributions," Rep. Bill Patmon (D-Cleveland) said in sponsor testimony.

"This day will pay homage to Joe Shuster and Jerry Siegel, the two men responsible for the original interpretation of Superman in comics, and eventually in real-life motion pictures," he said.

Mr. Siegel was born in Cleveland and Mr. Shuster began creating Superman in 1933 while attending Glenville High School, Rep. Patmon said.

**HB 139** **PUBLIC DISCLOSURE (Perales, R., Keller, C.)** To eliminate the public disclosure exemption for any permanently retained record 100 years after the date of its creation. (CONTINUED; 1st Hearing-Sponsor)

**Rep. Rick Perales** (R-Beavercreek) said the bill would make available information that could be useful to those looking to learn more about family heritage or the regional history. The records could be particularly beneficial to individuals who were adopted and their adoptive families, suggested joint sponsor **Rep. Candice Keller** (R-Middleton).

"The sealed time period of 100 years takes into consideration any complications or emotional impact that opening these records might have for certain individuals since it allows the timespan of at least one generation to pass. This is similar to the federal policy to lift restrictions on United States census records after 72 years," Rep. Perales said.

The bill has the support of the County Archivists and Records Managers Association and has been vetted by the attorney general's office, he added.

According to the Legislative Service Commission, any information federal law currently prohibits from public viewing, such as social security numbers, would still be redacted or sealed beyond the 100 years if the legislation were to be approved.

Chairwoman **Rep. Marlene Anielski** (R-Walton Hills) asked the sponsors to look into how the bill could impact legislation approved in the last General Assembly that would keep veterans' separation papers sealed.

**HB 69** **TIF DISTRICTS (Cupp, R.)** To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. (CONTINUED (No testimony); 6th Hearing-All testimony-Possible vote)

**SB 18** **DAY DESIGNATION (Thomas, C.)** To designate September 12 as "Jesse Owens Day." (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

**SB 27** **MONTH DESIGNATION (Beagle, B.)** To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month." (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

#### **Ways & Means**

**HB 116** **SALES TAX (Merrin, D.)** To exempt prescription eyeglasses, contact lenses, and other optical aids sold by licensed dispensers from sales and use tax. (REPORTED-AMENDED (See separate story); 3rd Hearing-All testimony-Possible amendment & vote)

**HB 118** **PROPERTY TAX COMPLAINTS (Merrin, D.)** To expressly prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)



**HB 124**

**TAX LEVIES (Brenner, A., Carfagna, R.)** To authorize a joint vocational school district to submit the question of a renewal tax levy to voters who did not have an opportunity to vote on the levy at an election held in November of 2015 because the levy was only placed on the ballot in one of several counties in which the district has territory. **(CONTINUED-SUBSTITUTE; 2nd Hearing-All testimony-Possible substitute & amendments)**

The committee adopted a substitute bill that makes four changes to the bill, according to a Legislative Service Commission [comparison document](#).

Among the new additions is an emergency clause, which sponsor **Rep. Rick Carfagna** (R-Westerville) told committee members will "speed up the process by which the (Delaware Area Career Center) may receive restitution and get their expansion project back on its feet." "Though emergency clauses are rare, we feel that it is necessary in an unprecedented case such as this," he said.

Another change is meant to correct constitutional issues in the bill that aims to correct an oversight in which the Delaware County Board of Elections left off ballot language for the proposed DACC levy from the ballots of more than 1,026 voters.

The language now authorizes all electors residing outside the most populous counties to vote on the resubmitted renewal levy regardless of whether the elector was eligible to vote in the 2015 general election.

The bill had previously authorized only electors who were denied the opportunity to vote but where eligible to vote in the 2015 election to vote on the levy. Speaking to the committee, Rep. Carfagna said that prior language raised a host of "constitutional questions." (See [Gongwer Ohio Report, March 28, 2017](#))

The substitute version also requires both the joint vocational school district's resolution to resubmit the renewal levy and the ballot language for the levy to state the same purpose, rate and term as the originally proposed levy.

DACC Superintendent Mary Beth Freeman returned before the committee to address lingering questions. She said the levy is crucial for the district to complete an ongoing construction project and to maintain current support systems for students.

Making sure the levy is a renewal levy, and not an entirely new levy, is also key she said, hence the importance of this legislation.

"Because this was a renewable levy, homeowners had the benefits of the 12.5% rollback and if we have to go back for a new levy, our taxpayers will lose this benefit," she said.

"Without HB 124 and through no fault of DACC, we will need to go back to the all voters," Ms. Freeman continued. "It will be difficult for many to understand why we are back in just two years when we promised we would not be back for 10."

**Subscribers Note:** For full testimony view the [committee's website](#) under April 25.

**Economic Development, Commerce & Labor**

**HB 120**

**PRECIOUS METALS (Henne, M.)** To make changes to the licensing and records requirements, exemptions, penalties, and other provisions of the Precious Metal Dealers Law. **(CONTINUED (No testimony); 2nd Hearing-Proponent)**

**HB 127**      **STEEL WELDING (Perales, R., Dever, J.)** To establish in the Ohio Building Code requirements pertaining to structural steel welding and bridge welding. (CONTINUED; 1st Hearing-Sponsor)

**Rep. Rick Perales** (R-Beavercreek) said the bill strengthens public protections regarding welding, telling the panel the current lack of oversight by a third party provides an opportunity for "unethical practices" to take place. "This ultimately puts lives in danger, as poor welds can cause a structure to collapse during or after construction," he said.

"The construction industry is often plagued with compliance issues and unethical practices due in part to a lack of oversight and enforcement," he said. "The best method to ensure the quality and integrity of structural steel welding by the welder is to require that a contractor working on a project must have their welders tested at an American Welding Society (AWS) accredited testing facility."

"Having a third-party conduct the qualification testing using a certified welding inspector will insure that the welding being done on a construction project is done by a competent welder." Sponsor Perales told **Rep. Michele Lepore-Hagan** (D-Youngstown) that the AWS would oversee training operations, adding that some people performing welding services are not qualified to do so.

**Rep. Jonathan Dever** (R-Cincinnati) said the building trades are supportive of the bill, adding that lawmakers should be certain that people working on public infrastructure projects should be properly trained.

**Rep. Ron Hood** (R-Ashville) said it seems contractors would look to hire qualified welders to preserve their reputations in the industry.

Rep. Perales said it is in the contractor's interest to bring in qualified welders, but said margins in the industry are so tight, some may seek to cut costs using sub-par labor.

**Rep. Al Landis** (D-Dover) said the fact that the bill applies to pipeline construction will make sure pipelines are built safely in Ohio.

**HB 128**      **BUILDING INSPECTIONS (Roegner, K.)** To permit a general contractor or owner of specified buildings to enter into a contract with a third-party private inspector or a certified building department for building inspection and to make other changes relating to building inspections. (CONTINUED; 1st Hearing-Sponsor)

**Rep. Kristina Roegner** (R-Hudson) said the bill establishes a "common sense solution" to addressing potential delays in building inspections, which can prove costly to construction companies.

To address those concerns, she said the bill requires inspections performed by building departments to be performed within 24 hours of a request and allows general contractors or building owners to request independent inspections.

If an independent inspection is chosen, the contractor would be responsible for inspection fees to the third party and the building department would still be able to charge standard fees including administrative and filing costs.

The independent inspector would have send results to the building department within 24 hours of the inspection. She said the measure also lets the Board of Building Standards investigate and evaluate employees of local building departments.

She said the bill also allows local building departments to contract with the Division of Industrial Compliance to exercise enforcement authority, accept and approve plans and inspect non-residential buildings.

Local boards could also ask the Board of Building Standards for a list of private inspectors to supplement their work.

Rep. Roegner added that the bill allows general contractors or owners to request a certificate of occupancy from the local building department or the Board of Building Standards and establishes an expedited arbitration process through which an inspect result can be appealed.

Rep. Lepore-Hagan asked whether the bill would represent a cut to local governments, and whether it privatizes a government service.

Rep. Roegner said the bill doesn't reduce funding for local governments, but gives contractors more choice in who conducts their inspections. She said building departments sometimes get overwhelmed, and can't conduct all inspections in a timely manner. She added that the list of alternative inspectors provided by the Board of Building Standards could also include other local building departments, which could generate revenue for those entities.

The sponsor also told Rep. Lepore-Hagan that the bill doesn't open the door to corruption in the inspection field. She said other inspectors would put their certification at risk if they perform incorrect inspections.

**Rep. Thomas West** (D-Canton) said allowing access to alternative inspectors could significantly reduce revenue at local building departments.

Rep. Roegner said the bill still allows the impacted local government to charge for administration and filing fees. She added that if a reduction occurs, it would be up to local officials to determine if staffing levels should change.

**Rep. Steven Arndt** (R-Port Clinton) observed that the 24-hour inspection timeframe seems tight given travel and weather complications that inspectors could face. Rep. Roegner said 24 hours is a best practice, but noted that an amendment is being drafted to address timing concerns.

Rep. Arndt also raised concerns about liability in cases when one inspector conducts a rough inspection and another performs a final inspection.

Rep. Roegner also told **Rep. Brigid Kelly** (D-Cincinnati) that while current law is silent on inspection timeframes, the administrative code requires a four-day turnaround.

### **Financial Institutions, Housing & Urban Development**

**HB 104** **CREDIT ACCOUNT DEBT (Schaffer, T.)** To allow vendors to receive a refund of sales tax remitted for bad debts on private label credit accounts when the debt is charged off as uncollectible by the credit account lender. **(REPORTED; 3rd Hearing-All testimony-Possible vote)**

Jeff McClain, director of tax and economic policy for the Ohio Chamber of Commerce, provided written testimony in support of the bill, saying that "the current practice of allowing the state to keep sales tax revenue on which a purchase/sale was not paid for by the consumer is unfair and needs to be changed."

**HB 46** COUNTY INVESTMENTS (Sprague, R.) To modify the qualifications regarding notes eligible for investment of county inactive moneys. (REPORTED (No testimony); 3rd Hearing-Opponent & interested party-Possible vote)

**SB 24** LOAN ACT (Terhar, L.) To create the Ohio Consumer Installment Loan Act. (REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible vote)

Before reporting the bill, the committee accepted an amendment that defines loan agreements and requires notice on loan agreements if an extension of credit is made under the Ohio Consumer Installment Loan Act.

#### **Federalism & Interstate Relations**

**HB 142** CONCEALED WEAPONS (Wiggam, S.) To eliminate the requirement that a concealed handgun licensee notify a law enforcement officer that the licensee is carrying a concealed handgun when stopped. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**HB 151** FIREARMS DEALERS (Patmon, B.) To prohibit a transfer of a firearm from a person who is not a federally licensed firearms dealer to a person who is not a federally licensed firearms dealer unless it is done through a federally licensed firearms dealer, through a state or local law enforcement agency, or pursuant to a specified exception; to require that background checks be conducted when a firearm is transferred through a federally licensed firearms dealer or a state or local law enforcement agency; and to provide for recordkeeping with respect to information obtained pursuant to such a background check. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**HB 152** HUNTING LICENSES (Patmon, B.) To require an applicant for a hunting license to specify whether the applicant has been convicted of or pleaded guilty to a felony and to require the license to specify "firearm restricted" if an applicant has so indicated. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**HB 153** IMITATION FIREARMS (Patmon, B.) To generally ban the manufacture, sale, alteration, and public display of imitation firearms and the disguising of a firearm to make it resemble an imitation firearm (CONTINUED (See separate story); 1st Hearing-Sponsor)

**Subscribers note:** Full testimony is available on the committee's website under April 25.

#### **Energy & Natural Resources**

**HB 130** ROYALTY STATEMENTS (Cera, J.) To require the owner of an oil or gas well to provide a royalty statement to the holder of the royalty interest when the owner makes payment to the holder. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Jack Cera (D-Bellaire) said the bill is the first step in giving landowners some clarity with their oil and gas leases by creating standards for royalty statements.

At the moment, he said, the royalty statements differ from company to company in terms of the information they present. The bill would require the sharing of information on production, sales, taxes and deductions on the statements.

"A unified royalty statement can help a property owner make sure the companies drilling on their property are treating them fairly and accurately," he said.

The bill is modeled after policies in other oil and gas producing states, he said.

"The information provided on a royalty statement is necessary so that the landowner can verify the accuracy of his or her royalty payments and HB130 is the vehicle for helping our constituents with this oversight," he said.

**HB 29** **WATER RESERVOIRS (Leland, D., Boggs, K.)** To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners. (CONTINUED; 1st Hearing-Sponsor)  
Sponsors **Rep. David Leland** (D-Columbus) and **Rep. Kristin Boggs** (D-Columbus) said the bill would repeal legislation enacted in the last General Assembly that allows residents who own property around municipal water sources to alter the government-owned land along the water.

"In effect, this law would place the quality of the public's drinking-water in the hands of residents who live around those bodies of water," Rep. Boggs said. "It gives those residents the authority to prioritize the aesthetics of the buffer zones over their ability to fulfill their sole purpose - to effectively protect a vital public resource."

"Prior to this change, buffer zones, or strips of land, owned by the municipalities, between a homeowner's property and a reservoir, were in place to protect the safety of a water supply that was used by millions of Ohioans," she added.

A lawsuit has blocked that change from taking effect, the sponsors said, but the General Assembly should work to fix the problem.

"Each of us knows that the legislative process works best when accompanied by a vetting process, which involves facilitating discussion and review by our peers, stakeholders, and the public," Rep. Leland said. "That simply did not happen here; this provision was inserted into the state's last biennial budget at the last minute without public input or participation. We have another chance now, through HB29, to do the right thing."

Answering a question from Chairman **Rep. Al Landis** (R-Dover), Rep. Leland said the issue that prompted the original legislation can be better dealt with through an agreement or a memorandum of understanding rather than a statewide policy.

**SB 2** **ENVIRONMENTAL LAWS (Hite, C.)** To revise specified laws relating to environmental protection. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Sen. Cliff Hite** (R-Findlay) said the bill, which covers a wide range of environmental issues, will help protect Lake Erie. The bill would update statutes regarding the responsibilities of the Ohio Lake Erie Commission and protect the quality of its water and ecosystems.

Sen. Hite said the bill would improve the Ohio EPA's ability to help public drinking water supplies.

"We don't want a Flint here," he said. "We don't want that kind of catastrophe."

Ohio EPA Director Craig Butler also testified on the bill, which was originally offered as a mid-biennium review measure last session.

He detailed other changes in the bill, including efforts to identify better uses for dredged materials, improving drinking water quality and strengthening the water quality professional program.

"Senate Bill 2 will continue to protect Ohioans and our environment," he said. "This is common sense legislation that is needed to provide balance between helping communities and businesses address water quality issues and streamlining burdensome rules."

**Rep. Tim Schaffer** (R-Lancaster) asked what in the bill would help avoid a Flint-like situation of tainted drinking water.

Sen. Hite said the measure would ensure local water systems know what infrastructure they have.

"We need to know where we're at before we know what we do," he said.

Director Butler said many smaller systems don't know where their lines are, and it can cause delays in fixing simple issues.

"Understanding and having technical and managerial control of your system starts with knowing where your assets are, how old they are," he said.


#### **Public Utilities**

**HB 178** ■ **NUCLEAR ENERGY (DeVitis, T.)** Regarding the zero-emissions nuclear resource program. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor & proponent-Pending referral)

**Subscribers Note:** For full testimony, see the [committee's website](#) under April 25

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## Senate Activity for Tuesday, April 25, 2017

### INTRODUCED

**SB 136** ■ **ROAD NAMING (Tavares, C.)** To designate the entrance ramp from West Broad Street onto Interstate Highway 70 in Franklin County as the "G. Thomas Turner, Sr. I-70 East Entrance Ramp." Am. 5534.90

**SB 137** ■ **ROAD NAMING (Tavares, C.)** To designate a portion of the eastbound lanes of I-70 in Franklin County as the "Judge Robert Duncan Memorial Highway." Am. 5534.79

**SB 138** ■ **INMATE SEARCHES (Eklund, J.)** To authorize a corrections officer to cause a body cavity search to be conducted, to establish separate rules and restrictions for conducting strip searches, and to limit the right of any person to commence a civil action for a violation of the law governing body cavity searches and strip searches to violations related to body cavity searches. Am. 2933.32

**SB 139** ■ **LEGAL MATERIALS (Skindell, M., Eklund, J.)** To adopt the Uniform Electronic Legal Material Act. Am. 149.21, 149.22, 149.23, 149.24, 149.25, 149.26, and 149.27

### COMMITTEE HEARINGS

#### Finance

**SB 5** ■ **COLLEGE AFFORDABILITY (Hottinger, J., Eklund, J.)** To increase the maximum income tax deduction for contributions to college savings accounts and disability expense savings accounts to \$10,000 annually for each beneficiary, to create the Joint Committee on Ohio College Affordability, and to declare an emergency. (**CONTINUED**; 2nd Hearing-Proponent)

The committee heard supporting testimony from C. Todd Jones, president and general counsel of the Association of Independent Colleges and Universities of Ohio, and Micah Derry, state director for Americans for Prosperity-Ohio.

"Nationally, federal aid, specifically the Pell Grant, will only cover about 10% of the cost for a student who chooses to go to a private, non-profit four-year institution," Mr. Jones said.

"Ohio's 529 plans are a great resource for saving, since on average only 5.64% of the value of the account is considered in determining federal financial aid and is not a detriment to a

student earning additional need-based aid. The more Ohio can do to encourage families to save now rather than borrow later, the better off our state will be."

Mr. Jones also applauded the inclusion of the joint committee in the bill, saying his group looks forward to working with the panel.

Mr. Derry said Americans for Prosperity "is a strong proponent of giving every family in Ohio the tools they need to save for the ever-rising cost of higher education," adding that the bill at hand "is an important step forward in achieving this goal."

"While AFP opposes targeted tax deductions or exemptions that pick winners and losers in the marketplace, deductions like the one contemplated in SB5 are available to all and incentivize taxpayers to put more money in savings," he said. "AFP believes that incentivizing the practice of saving for college - as opposed to simply using more taxpayer dollars to directly subsidize tuition - is a better policy to help students pay for college."

**Sen. Michael Skindell** (D-Lakewood) questioned the witness's position, saying that the bill would likely only benefit wealthier Ohioans and is therefore in essence is "picking winners and losers" in violation of AFP principles.

"We're leaving the middle class families behind with these types of policies," the lawmaker said. He added that only wealthier families can afford \$10,000 in annual deposits, so it furthers a failed policy of giving huge tax cuts to the wealthy and removing state revenue in the process.

Mr. Derry responded that such a program can be more advantageous for low-income families than subsidized tuition

Representatives of the Inter-University Council and the University of Cincinnati submitted written proponent testimony.

**Budget Presentation:** Tax Commissioner Joe Testa appeared before the committee during an informal hearing on the biennial budget (**HB 49**) and outlined the governor's tax restructuring plan, which the House had pulled from the bill a few hours before. (See *separate stories*)

Nevertheless, he generally stuck to the script, which mirrored prior presentations to the House. (See **Gongwer Ohio Report, February 28, 2017**)

Much of the subsequent questioning he faced centered on the governor's proposal to centralize municipal business income tax collections through the Ohio Business Gateway, which the House also deleted from the spending measure earlier in the day.

**Sen. John Eklund** (R-Chardon), noting that the secretary of state's office keeps touting record business filings in recent years, asked if - other than anecdotal evidence - the commissioner had data indicating businesses were "leaving in droves" over the municipal tax issue.

Mr. Testa reiterated that in meetings with business interests there was a "common thread" in their answers to what they would change about Ohio's system, and it kept coming back to centralized muni tax filings.

"They have asked us to advance this concept because it reduces compliance costs" and entails other improvements, he said.

He told the lawmaker that about \$600 million in business net profits taxes are paid each year to cities.



**Sen. Gayle Manning** (R-N. Ridgeville) said she hasn't heard complaints from businesses about municipal taxes, rather their chief concern was hiring qualified employees. She also questioned the approach of reducing income taxes and raising sales taxes, which hurts seniors who don't pay income taxes.

Mr. Testa said the administration's plan did provide some benefits for low-income Ohioans. He said the overall effect of the plan was a tax cut but acknowledged the impacts would vary from person to person.

Sen. Matt Dolan (R-Chagrin Falls) questioned contentions that the proposed 1% administrative fee for centralized muni tax collections would be "significantly less" than what cities currently pay the Regional Income Tax Agency. He was told that even with reductions costs paid to RITA exceed 1%.

Mr. Testa added that the administration savings were only one benefit to cities, and the others include additional revenue with increased compliance.

**Sen. Charleta B. Tavares** (D-Columbus) asked why the Department of Taxation had to be the entity that oversaw the centralized software for business filings. The tax commissioner responded that the state has extensive experience with collecting taxes and an infrastructure already in place.

**Sen. Peggy Lehner** (R-Kettering) said one of the complaints she heard from cities in her district is that the bill effectively would make muni business taxes a state tax. Mr. Testa responded that the state would be charged with the responsibility to administer it, but "it is theirs."

The commissioner told **Sen. Vernon Sykes** (D-Akron) that cities would be able to continue setting their own rates and credits under the plan.

Sen. Skindell asked the commissioner to weigh in on several House changes, but Mr. Testa said he had not had time to review them.

One of those included a new proposal to force certain online vendors to collect and remit sales taxes. Mr. Testa said there were questions regarding the constitutionality of such approaches but he couldn't speak to the specific proposal.

Referring to administrative estimates that a revenue slump would force budget crafters to eventually adjust the two-year spending plan by \$800 million, **Sen. Bill Coley** (R-Liberty Twp.) asked if the commissioner had an estimate of how big the budget "hole" would be if lawmakers had gone with past proposals to hike the oil and gas severance tax in favor of additional tax cuts.

Mr. Testa said he had no such data.

## **Education**

**SB 34** **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. (CONTINUED; 3rd Hearing-All testimony)

Chip Hanawalt, president of the Ohio Campground Owners Association, told the committee that starting the school year after Labor Day would give families additional opportunities to go camping.

"Additional travel and recreational time during the summer months will result in tourism money for the state and small businesses," he said. "Campground owners do approximately 90% of our business between the months of June and August."

Business that doesn't drop off at the end of summer as a result of school starting will also lead to the need for additional employees, Mr. Hanawalt said.

Melinda Huntley, executive director of the Ohio Travel Association, listed similar reasons for supporting the bill.

A Cincinnati collaborative studying the issue has found that students can save more for college if they're able to work longer in the summer, teachers will have more time for professional development and agricultural productivity can increase, she said.

"I believe the school calendar configuration is critical to the expansion of learning opportunities for our children, as well as the economy. I hope the committee carefully considers all possible benefits," Ms. Huntley said.

Among those that expect to benefit from the proposed change is Cedar Fair, which operates theme parks, including Cedar Point and Kings Island.

Lee Alexakos, vice president of community relations for Cedar Fair, said the company is the state's largest seasonal employer with 8,000 seasonal employees.

"This legislation would allow for more real life work experience to better prepare our Ohio workforce. Studies show that students who work during high school summer months later in life have higher hourly wages, better annually earnings, and are more consistently employed," she said.

Extending the summer break would also allow families more time to travel to the parks and other tourist attractions in the state, resulting in an estimated \$200 million increase in economic activity for the state, Ms. Alexakos said.

When Michigan moved school start dates until after Labor Day, it saw increased hotel bookings and attraction attendance spiked, she said.

Many tourism-driven businesses earn operating income over a limited period of time with July and August being peak months," Ms. Alexakos said. "However, as the school start date creeps earlier and earlier in August, the summer travel season is shortened. The loss of a few weeks can cause significant hardships on tourism-driven businesses like Cedar Fair and is even more damaging on smaller tourism businesses in Ohio."

- SB 8** **SCHOOL TECHNOLOGY & SAFETY** (Gardner, R., Terhar, L.) To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (CONTINUED (No testimony); 3rd Hearing-Opponent & interested party)
- SB 82** **SCHOOL ABSENCES** (Williams, S., Lehner, P.) To require a public school to place a telephone call within one hour of the start of the school day to a parent whose child is absent without legitimate excuse. (CONTINUED (No testimony); 3rd Hearing-All testimony)
- SB 85** **SCHOOL CHOICE** (Huffman, M.) To eliminate the Educational Choice Scholarship Pilot Program and Pilot Project Scholarship Program and to

create the Opportunity Scholarship Program. (CONTINUED; 2nd Hearing-Proponent)

Chad Aldis, vice president of Ohio policy and advocacy for the Fordham Institute, praised the bill, pointing to multiple reasons a switch to one income-based voucher program would benefit the state:

The change, which makes students eligible for vouchers of varying amounts when family income is at or below 400% of the federal poverty level, could mean the state would more effectively reach students who are often among the lowest performing, he said.

"Reams of data tell us that low-income students, regardless of their assigned school building, continue to face the biggest education challenges," he said. "Moreover, they are also the students most constrained when their assigned school isn't a good fit and they aren't making academic progress. Students of means are more likely able to move to another school zone, pay private school tuition, or afford transportation to open enroll in a nearby district."

As the former voucher director for the Florida Department of Education, Mr. Aldis said he is also aware of the administrative difficulties presented by Ohio's current voucher system - that includes five programs with different policies.

Mr. Aldis also defended a controversial bill provision that would create savings accounts for students who are in the voucher program. Any money not used on tuition would go into the account to be used for education purposes, including college tuition.

Some lawmakers on the committee argued that the provision comes across as unfair and there are concerns about students switching schools only to be eligible for the savings account.

"Can you justify that scholarship for me in some other way? I'm just really struggling with it,"

Chairwoman Sen. Peggy Lehner (R-Kettering) said.

It's highly unlikely that students would leave schools they perform well in to save a few hundred dollars, Mr. Aldis said. It is likely, however, that private school tuition could rise to rates equal to voucher totals if competition isn't present.

Actually, the savings account proposal "is far more limited than that seen in other states," he said.

Mr. Aldis also took on questions about accountability and the fairness of private schools not having to comply with the same regulations as public schools despite receiving state dollars through voucher programs.

The bill would require value added scores to be kept for students who are part of the voucher program and student part of the existing program already take state assessments that their peers who aren't using vouchers don't, he said.

It wouldn't be practical to ask all students in private schools to take state-mandated tests because voucher students are the minority in many private schools, Mr. Aldis said.

Participation in the voucher program is not mandated, so private schools choose to take part, he added.

Mr. Aldis estimated that about 1% of Ohio students would participate in the program if it were approved. He based that percentage off the amount of students taking advantage of the state's current income-based voucher program for students in grades 1-3.

Larry Keough, associate director of education for the Catholic Conference of Ohio, also supported the bill.

Currently, more than half of students using current vouchers attend Catholic schools, he said. Of those using the Cleveland scholarship, 95% attend catholic schools.

"We believe SB85 is the next step in Ohio's school choice movement and in doing so will provide newfound opportunities for families to exercise their parental-choice rights," Mr. Keough said.

Sen. Schiavoni (D-Boardman) questioned whether the proposed voucher program would eventually result in private schools that enroll only students on scholarships and others that would only enroll students whose families pay tuition.

Mr. Keough said he's aware that such a concern exists, but told the panel that there is no distinction made between voucher students and tuition-paying students in Catholic schools.

"When they come into our building they're all catholic school students," he said.

Sen. Lehner said the state's education budget isn't ideal and debated if the voucher program is the most effective use of limited funds.

"My question is where are we going to spend our additional money when the evidence indicates clearly that there's benefit to early childhood education so that the child re in poverty can actually start off school on a solid footing," she said. "Or (do we spend on) school choice where the evidence is not nearly so clear that it provides substantial life-changing benefits to children"

"How do we justify spending additional money on school choice when we have yet to provide children with the head start they need in life?" Sen. Lehner asked.

Mr. Keough said studies have shown Catholic schools are able to improve academic outcomes of students who came into their classes behind their peers.

If Ohio's Catholic schools were to cease operations, it would cost the state \$1.5 billion more annually to educate students in the state, he added.

The committee also heard proponent testimony from Catholic school parent and teacher Audra Juarez and Americans for Prosperity.

#### **Finance: General Government & Agency Review Sub.**

John Patterson, executive director of the Accountancy Board, urged the panel to support the agency's budget recommendation. He said the board is funded solely by registration fees, and does not require any general revenue funds.

Mr. Patterson noted that the board has one of the lowest fees for accountants in the nation and added that Ohio-certified accounts have little trouble practicing at any location across North America.

He also detailed a board-funded program that helps accountants-in-training finish college coursework. **Sen. John Eklund** (R-Chardon) questioned whether unused funds allocated to that program roll over year after year. Mr. Patterson said the program has about an \$800,000 balance, but is finding that more people are applying for support.

Starr Richmond, executive director of the Petroleum Underground Storage Tank Release Compensation Board, also urged support for the proposed budget. She said the board's key role is to manage the remediation fund and protect the public.

Ms. Richmond said the board expects reimbursements to remain at a similar level through fiscal year 2021, and noted that the budget would support staff, insurance and other increased costs.

**Sen. Michael Skindell** (D-Lakewood) questioned whether oil companies, specifically British Petroleum, have made claims for reimbursement but have not disclosed that they had insurance to cover such claims.

Ms. Richmond noted that BP doesn't own tanks in Ohio at this point, so any future claims would be tied to past releases.

Amanda Ault, assistant executive director of the State Board of Registration for Professional Engineers and Surveyors, said the board is one of the largest licensing agencies in Ohio, and is supported only by fees from those it licenses.

She said the board works to keep its costs low by using central service features, but noted it is seeking larger increases in this budget to cover higher rent and IT costs, as well as an increase in fees tied to the use of a new eLicensing system.

Sen. Skindell asked about the cost of the shift to the new eLicensing system. Ms. Ault said board costs will increase from about \$10,000 to about \$67,000, and added that some of the balance in the board's rotary fund has been used to cover eLicensing development.

Sen. Eklund asked whether the board has an opinion on whether county engineers should be registered as engineers and surveyors. Ms. Ault said the board hasn't taken a position on that issue, but it does arise from time to time.

William Crawford, executive director of the Ohio State Racing Commission, also backed the budget proposal.

He said the board's expenditures cover a series of items, including subsidies to the racing industry and regulatory expenses to pay for administration, officials, drug testing and veterinarians.

Don Branson, executive director of the Southern Ohio Agriculture and Community Development Foundation, testified in support of the executive budget, which he said would allow the organization to continue its programs that support agriculture, economic development and education across many counties.

He told the panel the foundation was initially funded by the state's settlement with tobacco companies, but noted that funding has been significantly reduced in the years after the state securitized future revenues from that settlement.

The result of that transaction, he told Sen. Skindell, is that the foundation has a balance of about \$8 million that would be exhausted in the next few years based on current spending levels.

Mr. Branson said the foundation has the track record and results that could justify future investment by the legislature. "I'd like to see it throughout the entire state, quite honestly," he said.

Sen. Skindell questioned whether the group can accept donations as charitable gifts, and also suggested a review of a transition to a private foundation might be in order.

**Finance: Primary & Secondary Education Sub.**

Several groups outlined their funding requests as made in Gov. John Kasich's executive budget proposal (HB49) as members of the House Finance Committee were putting their own fingerprints on the two-year spending outline. (See separate story)

After his testimony, Ohio School for the Deaf Superintendent Doug Lowery was asked by Sen. Vernon Sykes (D-Akron) about those House changes. However, Mr. Lowery declined to comment on the substitute bill as he has not had an opportunity to review the document. In outlining the budget request - which included \$11 million in Fiscal Year 2018 and \$11.2 million in FY 2019 from the General Revenue Fund - Mr. Lowery said the funding "will allow us to continue to meet our current operating needs."

However, he also said additional funding will continue to be necessary in the future.

"As a residential school facility for our state, our funding is not driven by enrollment and per pupil allocations like traditional school districts," Mr. Lowery said in his testimony. "Rather, we are funded like any other state agency. Our capacity is tied directly to GRF allocations, which this year comprises more than 90% of the school's total budget.

"This presents challenges for us, especially as we continue to have more and more students and families seeking our services. As we gain additional students, we do not gain additional funding. Due to requirements related to serving students with disabilities and our funding limitations, we are in a situation where we are at capacity in all of our multiple disability classrooms and very near capacity in many of our elementary and high school regular education programs."

Asked by Sen. Peggy Lehner (R-Kettering) how many students attend the school from kindergarten through graduation, Mr. Lowery said very few.

Sen. Lehner also asked about the use of sign language versus lip reading. Mr. Lowery said sign language is the primary form of communication at the school.

Denyse Woods, interim superintendent at the Ohio State School for the Blind, deemed the governor's budget request of \$10.3 million in FY 2018 and \$10.5 million in FY 2019 "modest increases in GRF appropriations" that will largely cover the costs of existing payroll expenditures.

She said due to funding restraints, the school is at capacity with students in grades 4-6 and has reached the limit on the number of students with multiple disabilities it can serve in grades K-2.

"This is a sad situation for students whose home districts have limited capacity to meet their unique needs as we are unable to help them grow and flourish in accordance with our charter," Ms. Woods said.

Lauren Monowar-Jones, director of the Joint Education Oversight Committee, said the \$500,000 request in each of the two years of the biennium largely pays for staff, which accounts for 65% of appropriations. Another 3% is used for supplies and 32% is used for purchased personal services.

Sen. Gayle Manning (R-N. Ridgeville) questioned the use of one-third of JEOC's budget for purchased personal services.

Ms. Monowar-Jones said those expenses are largely from contracting with researchers.

Chairman Sen. Cliff Hite (R-Findlay) asked Ms. Monowar-Jones if she would be willing to sit down and discuss potential cuts to the JEOC budget. She said she would be willing to do so.

"We're going to be in this position with everybody," Sen. Hite said.

David Williams, executive director of the Facilities Construction Commission, said the budget request includes a proposal to give the Department of Administrative Services, the School for the Deaf and the School for the Blind the ability to seek approval to manage their own capital improvement projects under \$1.5 million.

The governor's budget proposal would also allow Mr. Williams to debar construction firms and individuals from seeking work on state contracts based on standards in state law.

Laura Clemens, executive director of the Capitol Square Review and Advisory Board, said the budget request of with an increase in GRF funds of \$305,460 will cover payroll changes to fund a succession plan. Of CSRAB's 60 employees, 37% are eligible to retire within five years, she said.

#### **Finance: Health & Medicaid Sub.**

A host of state boards in the medical field and other areas addressed a Senate Finance subcommittee Tuesday, outlining their priorities in the current budget cycle. **(Testimony)**

Much of the testimony before the Senate Finance Health & Medicaid Subcommittee mirrored remarks the boards delivered previously to House lawmakers regarding the executive budget proposal (**HB 49**). (See Gongwer Ohio Report, February 22, 2017 & Gongwer Ohio Report, February 23, 2017)

Witnesses tailored their remarks to the administration's budget proposal since they had not yet had adequate time to review the House proposed budget which was unveiled that same morning. (See *separate story*)

Members of the subcommittee did express new concerns with one common theme from witnesses: the increase in costs being driven by boards' participation in the state's e-licensing system.

At the conclusion of the hearing, Sen. Lou Terhar (R-Cincinnati) asked Chairman **Sen. Bob Hackett** (R-London) to reach out to **Treasurer Josh Mandel's** office to see if a less expensive arrangement could be made via the bidding process.

"The bank obviously is doing well but we are not," Sen. Terhar said. "It would seem to me there could be a much better...arrangement bid out so that we could save the state some money."

**Commission on Minority Health:** Executive Director Angela Dawson said the administration's budget proposal would provide adequate funding for the commission to expand its Certified Pathways Community HUB Model to three new sites in Franklin, Mahoning and Summit counties.

But the budget would not, she said, provide enough support for the long term operation of those new HUBs.

**Sen. Charleta B. Tavares** (D-Columbus) asked whether the impact the existing HUBs have made is measurable.

"There is a significant difference when we look at the comparisons where there are HUBs located and no HUBs," Ms. Dawson replied. "We have seen a reduction not just in preterm births but also low birth weight."

In that case, Sen. Tavares argued, why is the state not investing more dollars into those programs? Ms. Dawson agreed, noting that such programs save the state long-term dollars.

"It is clear when you look at the highest risk communities, working with the highest risk moms and we're helping women deliver normal weight babies...we save the state dollars in such a critical area," Ms. Dawson said. "If our children don't get the right start, the costs don't just stop there."

**Board of Nursing:** Responding to Sen. Dave Burke (R-Marysville) executive Director

Betsy Houchen likewise attributed her board's requested budget increase to increasing e-licensing costs. Given the number of licenses the board oversees, she said, the cost continues to increase.

Sen. Tavares questioned whether Ms. Houchen believes the board is doing enough to stem the nursing shortage. Ms. Houchen replied that the shortage is likely regional in nature rather than statewide.

"We know from our point of view we're licensing about 15,000 new nurses (a year)," she replied.

**State Dental Board:** Executive Director Harry Kamdar said the board's budget request was derived from an "honest conversation" with stakeholders about the board's direction.

Priorities include elevating prescriber awareness of the opioid epidemic and facilitating related educational opportunities, developing an online solution for license applications and renewals, and creating new disciplinary guidelines.

Responding to Sen. Burke, he said the board's anticipated deficit for Fiscal Year 2018 and 2019 is mostly due to cost of living pay increases and rising back-office charges.

**State Chiropractic Board:** Executive Director Kelly Caudill said the board reduced its anticipated costs in the next budget to address pending fiscal challenges. For example, the board inactivated a vacant board position and "considerably" reduced travel expenses.

Given the administration's proposed merger of various boards to cut costs and increase efficiency, Sen. Tavares asked whether there are particular boards Ms. Caudill believes that could more easily accommodate a merger with the Chiropractic Board. Ms. Caudill replied that the board will do whatever the legislature dictates.

**State Medical Board:** Executive Director A.J. Groeber outlined the board's efforts combating prescription drug abuse and contacting all licensees reported to be noncompliant with rules for the Board of Pharmacy's OARRS prescription drug monitoring system.

He said the number of opioid pills dispensed to unchecked patients has dropped from 52 million a month to 7 million and that the number of OARRS checks daily has nearly doubled to about 80,000.

Responding to Sen. Tavares, Mr. Groeber said the complaints the board receives most frequently have to do with patient interactions. Given their routine nature, he said, the board doesn't typically investigate those complaints unless several are received.

The more serious complaints - particularly regarding physician impairment or patient boundary issues - are pursued very quickly, he said.

Regarding the administration's proposal to consolidate boards regulating the fields of dietetics and respiratory care with the medical board, Mr. Groeber told lawmakers the board can readily assume that oversight and ensure those professions are adequately involved in the board's decision making.



"At the end of the day I think we can fully serve and protect the public and our licensees," he said.

**Veterinary Medical Licensing Board:** Executive Director Theresa Stir said the board's 2017 budget increase enabled it to complete compliance inspections of about 70% of known veterinary facilities.

Ms. Stir estimated there are approximately 900 such facilities and that the board inspects them at an average rate of about 250 a year. The goal is to have inspected all of them in just less than five years at that rate, she said.

The board's budget priorities, Ms. Stir said, including participating in the new state e-licensing system, increasing the number of facility compliance inspections, and working with the Board of Pharmacy on regulations impacting veterinary medicine.

**State Board of Sanitarian Registration:** Executive Director Stephanie Youst told lawmakers the increased e-license fees are "substantial" and a main reason the board will have a small deficit of about \$6,600 under the next budget cycle despite its request for a funding increase.

Other drivers of cost increases, she said, are rent increase and healthcare for employees. Given that the staff consists of herself and a one-day-a-week employee, there's little more the board can do to trim costs, Ms. Youst said.

Sen. Burke asked in what fields licensees are typically employed. The majority are employed by health departments, she replied, with some employed by state agencies.

**State Board of Embalmers and Funeral Directors:** In written testimony, interim Executive Director Danny Finfrock wrote the board is not dependent on GRF funds and last raised fees in 2013.

The board's budget request, he wrote, does not include a fee increase, but he said he will be encouraging the association to lay the groundwork for an increase for the 2020-21 budget cycle.

"Additional budget considerations include the implementation of eLicense 3.0, which represents an increase of approximately \$14,000 annually," he wrote. That board plans to compensate for that increase by replacing the board's website provider and cutting its office supply budget in half.

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## Daily Activity Planner for Wednesday, April 26

### Legislative Committees

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

- SB 57** **AWARENESS DAY (Kunze, S.)** To designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day." (1st Hearing-All testimony-Possible vote)
- HB 101** **EPINEPHRINE DISPENSING (Merrin, D.)** To authorize an epinephrine autoinjector substitution when a prescription is filled or refilled, to authorize epinephrine to be dispensed without a prescription under a physician-established protocol, and to declare the act the "Epinephrine Accessibility Act." (4th Hearing-Proponent & opponent-Possible vote)
- HB 167** **OPIOID MEDICATIONS (Edwards, J.)** Regarding addiction treatment and opioid prescribing by physicians and dentists. (1st Hearing-Sponsor-Pending referral)
- HB 149** **ABORTION (Patmon, B., Conditt, M.)** To expand the crime of abortion trafficking and to increase the penalty. (1st Hearing-Sponsor)
- HB 165** **AWARENESS MONTH (Gonzales, A., Conditt, M.)** To designate May as "Congenital Cytomegalovirus Awareness Month." (1st Hearing-Sponsor-Pending referral)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

- HB 28** **IC BUDGET (Brinkman, T.)** To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs. (3rd Hearing-Possible amendments & vote)
- HB 49** **BIENNIAL BUDGET (Smith, R.)** To provide authorization and conditions for the operation of state programs. (11th Hearing-All testimony)

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

- HB 136** **ROAD NAMING (Arndt, S.)** To designate a portion of State Route 61 in Erie County as the "SGT David Sexton Memorial Highway" and a portion of Benton-Carroll Road in Ottawa County as "SGT Glen Millinger Memorial Highway." (1st Hearing-All testimony-Possible vote)
- HB 140** **ROAD NAMING (Green, D.)** To designate a portion of State Route 32 in Brown and Highland Counties as the "Army Specialist Danny Raymond King Memorial Highway." (1st Hearing-All testimony-Possible vote)
- HB 83** **OPPORTUNITY CORRIDOR (Smith, K., Howse, S.)** To designate the planned boulevard known as the Opportunity Corridor within Cleveland as the "Carl and Louis Stokes Opportunity Corridor." (1st Hearing-Sponsor)

**HB 60** **DRIVER'S LICENSES** (Hambley, S., Rogers, J.) To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security. (3rd Hearing-Opponent & interested party-Possible vote)

**HB 95** **DISTRACTED DRIVING** (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import. (3rd Hearing-Opponent & interested party-Possible substitute)

**House Government Accountability & Oversight** (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 9:30 a.m.

**HB 8** **RECORDS EXEMPTION** (Hambley, S., Rezabek, J.) To exempt from the Public Records Law certain information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident. (4th Hearing-All testimony-Possible amendments & vote)

**HB 41** **VOTER REGISTRATION** (Pelanda, D.) To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person. (4th Hearing-All testimony-Possible amendments & vote)

**HB 132** **FANTASY CONTESTS** (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws. (1st Hearing-Sponsor-Possible substitute)

**Senate Rules & Reference** (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

~~Canceled House Session~~ (Committee Record) (~~Chr. Rosenberger, C., 466-3357~~), House Chamber, 1:30 p.m.

**Senate Session** (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

**Senate Finance** (Committee Record) (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 3 p.m. or after session

- The panel will hear a budget measure (HB49) presentation on health and human services provisions from the administration

**House Community & Family Advancement** (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 4 p.m.

**HB 64** **RECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal

charging, or trial of a person based on mistaken identity. (2nd Hearing-Proponent)

**HB 115**

**COMMUNICATION DISABILITIES (Gavarone, T., Wiggam, S.)** To establish a database of persons who voluntarily register as being diagnosed with a communication disability or who voluntarily register a minor child or ward as the parents or guardians of such persons for purposes of law enforcement notification. (3rd Hearing-All testimony-Possible substitute & vote)

**HB 119**

**SNAP (Henne, M., McColley, R.)** Regarding eligibility and benefits under the Supplemental Nutrition Assistance program and the Medicaid program. (2nd Hearing-Proponent)

### **Agency Calendar**

**State Personnel Board of Review, 65 E. State St., 12th Fl., Columbus, 10 a.m.**

### **Event Planner**

**Rep. Michele Lepore-Hagan (D-Youngstown) fundraiser, Einstein Bagels, 41 S. High St., Columbus, 8 a.m., (Sponsor \$500 Host \$250 Friend \$100 to Michele Lepore-Hagan for State Rep)**

**Rep. Scott Lipps (R-Franklin) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Scott Lipps)**  
**Ohio Housing Council Legislative Luncheon, Athletic Club of Columbus, 136 E. Broad St., Columbus, 11:45 a.m., (RSVP to [ohc@ohiohousingcouncil.com](mailto:ohc@ohiohousingcouncil.com) or 614-221-6567)**

**Ohio Council of County Officials news conference on revenue loss due to MCO tax changes, Statehouse Atrium, Columbus, 4:15 p.m.**

**Ohio Council of County Officials Legislative Reception, Statehouse Atrium, Columbus, 5 p.m.**

**Rep. Andy Brenner (R-Powell) poker tournament fundraiser, Athletic Club of Columbus, 136 E. Broad Street, Columbus, 5 p.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Brenner for Ohio)**

**17 S. High St., Suite 630  
Columbus Ohio 43215**

**Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)**

**Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers**

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**Sent:** Tuesday, April 25, 2017 8:20 PM  
**To:** DL\_Hannah  
**Subject:** Hannah News Stories for Tuesday, April 25, 2017

**Tuesday, April 25, 2017**

**IN TODAY'S HANNAH REPORT:**

**Please click here to read the entire Hannah Report.**

**Today's Stories**

- [House Scales Back Budget But Boosts Funding for Schools, Opiates Fight](#)
- [House Budget Increases Per-Student Spending, Revises Charter Sponsor Rating System](#)
- [Groups React to House Budget Changes](#)
- [House Passes Legislation Eliminating Some Congressional Primary Elections](#)
- [Groups Submit New Congressional Redistricting Ballot Issue](#)
- [Testa Testifies on Tax Provisions in Proposed Budget](#)
- [Public Utilities Committee Parses Meaning of 'Subsidy,' 'Bailout'](#)
- [Appeals Judge Defends 'Aggressive Questioning' in ECOT Case](#)
- [Ohio State Study Links Financial Strain, Low Birth Weight Babies](#)
- [State Government Roundup: Statehouse; OHFA; ODNR](#)
- [Ohio Digest: Legal Aid Bill for Homeless Veterans; VA](#)
- [Legislative Committee Changes](#)

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- [Finance](#)
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- Judiciary

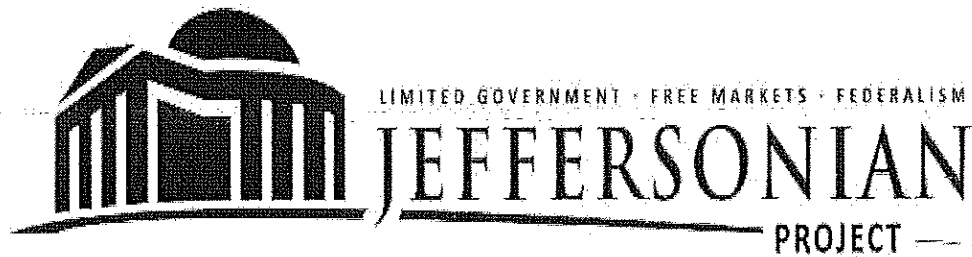
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**From:** Ashley Varner  
**Sent:** Wednesday, April 26, 2017 1:34 PM  
**To:** Rep76  
**Subject:** Oppose Travel Taxes in Ohio

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## ISSUE ALERT

April 26, 2017

**To:** Members of the Ohio House of Representatives  
**From:** The Jeffersonian Project  
**Re:** Oppose Travel Taxes in Ohio

**The operating budget currently under consideration in the Ohio General Assembly (Substitute HB 49) would levy the sales tax on travel services- defined as "acting as an agent to sell travel, tour, or accommodation services to the general public or commercial clients." As a result, sales and use taxes would be calculated based on the full price paid by customers to the travel intermediary, i.e. including the fees charged by online travel agents.**

Additional taxes make travel to Ohio more expensive, thereby harming Ohio's tourism industry and weakening the economy as a result. **The Jeffersonian Project, the 501(c)4 affiliate of the American Legislative Exchange Council (ALEC), strongly opposes this new discriminatory service tax on the Ohio travel and tourism economy.**

**Intermediaries connect potential tourists with Ohio hotels, and by doing so, help generate tax revenue from these visitors through their in-state commerce.** Visitors also add to the Ohio economy through purchases at local restaurants, stores, events and other in-state businesses. In a modern, digital economy, intermediaries serve as a crucial facilitator to position the state to benefit from domestic and global travelers.

**Imposing new taxes in Ohio, including taxes on the state's crucial travel industry, impedes economic growth** and conflicts with the ALEC Principles of Sound Taxation, which states that tax policy should be competitive, neutral and fair to all business, regardless of industry. Moreover, as ALEC model policy - the Travel Agent Tax Fairness Act - notes, online travel companies are separate entities from accommodations providers. Online travel companies do not provide lodging and amenities, but instead facilitate the purchase of that lodging.

**What Ohio will lose in tax revenue from travelers who choose to stay elsewhere will likely outweigh the revenue generated by the expanded tax; such is the epitome of shortsighted tax policy.** As the principle from Economics 101 suggests, when you tax something more, you get less of it. Earlier this session, lawmakers in Montana and Arkansas rejected similar taxes on travel intermediaries, understanding that applying new taxes on travel services will create a disincentive to travel to states with such taxes.

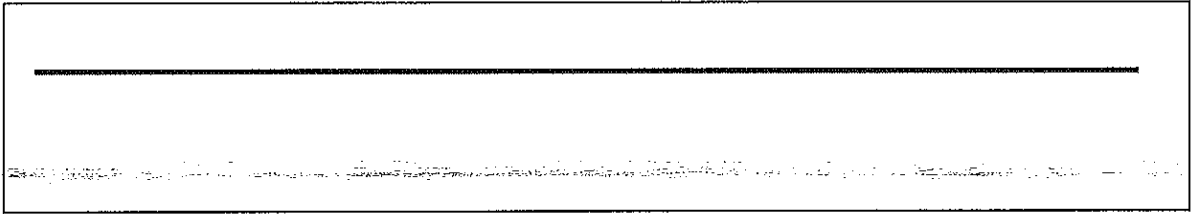
Ohio's sales tax burden is already higher than 21 other states; income earners already endure the nation's 13th highest income tax rate, state and local rates combined, on top of this. Adding to the burden will harm Ohio taxpayers.

**Therefore, the Jeffersonian Project strongly encourages members in the Ohio General Assembly to avoid new taxes on the state's travel and tourism economy and instead focus on broader, fundamental reforms that improve the state's competitiveness.**

Thank you for your consideration.

***The Jeffersonian Project is the 501(c)4 affiliate of the  
American Legislative Exchange Council.***





The Jeffersonian Project, 2900 Crystal Drive, Suite 600, Arlington, VA 22202

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**From:** Price, Ciara  
**Sent:** Wednesday, April 26, 2017 3:14 PM  
**To:** 'Durdle, Brian P.'; Trefny, Charles  
**Subject:** RE: HB 173

Brian -

Rep. LaTourette spoke with Shawn Kasych and indicated that she'd like the bill referred to Commerce and Labor. Beyond that, the budget is taking priority right now.

Ciara

-----Original Message-----

**From:** Durdle, Brian P. [<mailto:bdurdle@bakerlaw.com>]  
**Sent:** Wednesday, April 26, 2017 11:30 AM  
**To:** Price, Ciara <[Ciara.Price@ohiohouse.gov](mailto:Ciara.Price@ohiohouse.gov)>; Trefny, Charles <[Charles.Trefny@ohiohouse.gov](mailto:Charles.Trefny@ohiohouse.gov)>  
**Subject:** HB 173

Good morning. I know I am being pushy but I wanted to see if we can push to get HB 173 referred as soon as possible as to try and align "option" 2 for our issue. Very grateful for sub bill work; but need to move forward to see if some magic can happen. Thanks

Sent from my iPhone

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**From:** Durdle, Brian P.  
**Sent:** Wednesday, April 26, 2017 5:27 PM  
**To:** Price, Ciara; Trefny, Charles  
**Subject:** RE: HB 173

Excellent. Ciara; will call you tomorrow.

-----Original Message-----

**From:** Ciara.Price@ohiohouse.gov [mailto:Ciara.Price@ohiohouse.gov]  
**Sent:** Wednesday, April 26, 2017 3:14 PM  
**To:** Durdle, Brian P.; Charles.Trefny@ohiohouse.gov  
**Subject:** RE: HB 173

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Ciara

-----Original Message-----

**From:** Durdle, Brian P. [mailto:bdurdle@bakerlaw.com]  
**Sent:** Wednesday, April 26, 2017 11:30 AM  
**To:** Price, Ciara <Ciara.Price@ohiohouse.gov>; Trefny, Charles <Charles.Trefny@ohiohouse.gov>  
**Subject:** HB 173

Good morning. I know I am being pushy but I wanted to see if we can push to get HB 173 referred as soon as possible as to try and align "option" 2 for our issue. Very grateful for sub bill work; but need to move forward to see if some magic can happen. Thanks

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**From:** ganymeder123@gmail.com  
**Sent:** Thursday, April 27, 2017 12:37 PM  
**To:** Rep76  
**Subject:** Ohio Public Library Fund

First Name : Catherine

Last Name : Russell

Address : 14055 Laurelwood Street NW

City : Canal Fulton

State : OH

Zip : 44614

Phone :

Email : ganymeder123@gmail.com

Subject :  
Ohio Public Library Fund

Message :

As an Ohioan for the past sixteen years, I have long been proud of the importance the state puts on its public library system. My son has practically grown up at our local library. Ever since he was small, I've taken him to library programs to meet new people, take classes, and get exposed to new ideas through books and other media. I frequently patronize several libraries in my area, participating in poetry readings, book discussions, and check out material through branches and their on-line digital libraries. I attend writing conferences, meet-the-author events, and other activities that are educational, social, and important for making contacts as I endeavor to become a professionally published author.

So when I tell you that I am very upset to hear the Public Library Fund is being reduced, I am speaking as someone for whom Ohio's library programs are absolutely vital. I am speaking not just as someone who has chosen to move to Ohio and raise my family here, but as someone whose life is significantly richer because of the range of library programs and resources available.

In the current political climate, I realize that necessary cuts must be made to balance the budget. However, cutting the funding to a widely-used and necessary public resource, one that promotes community ties and opens up opportunities for Ohioans through accessible educational opportunities, would be counterproductive.

Now that the NEA is under threat of federal cuts, statewide support is needed for our greatest public resource--the public library system. Please do not further cut funding to one of the most important resources that our great state of Ohio has to offer; I urge you to support Rep. Marlene Anielski's (R-Walton Hills) amendment to protect the PLF at 1.68% so that it is not reduced to 1.66% of the General Revenue Fund.

I have faith that as a duly elected state representative, you take your duty to the public interest seriously and will protect the Public Library Fund. Thank you

**From:** Andrea Ashley

**Sent:** Thursday, April 27, 2017 1:24 PM

**To:** Rep93; Rep06; Rep13; Rep89; Rep29; Rep41; Rep96; Rep04; Rep21; Rep84; Rep19; Rep66; Rep31; Rep76; Rep62; Rep81; Rep17; Rep64; Rep99; Rep07; Rep73; Rep56; Rep33; Rep88; Rep60; Rep02; Rep71; Rep92; Rep48; Rep83; Rep34; Rep95; Rep48; Rep91

**CC:** Snider, Grace; 'Angela VanFossen'; 'Mark Totman'; 'Matthew Szollosi'; 'Paul Kudlak'; 'Aaron Ockerman'; Jason Clark; 'Dean Fadel'; 'Josh Sanders'; 'Pat Jacomet'

**Subject:** HB 49 - Letter Opposing Port Authority Threshold Increase

**Attachments:** Port Authority Threshold increase opp.ltr 4'17.pdf

Members of House Finance Committee:

Please see the attached from a coalition of commercial construction associations and trade unions opposing Sub. H.B. 49's proposed increase of the competitive bidding threshold for Port Authorities to \$250,000, which would amount to a 900% increase in their competitive bidding thresholds in less than six years.

Don't hesitate to contact any of us for additional information.

Andrea Ashley, VP of Government Relations

Associated General Contractors (AGC) of Ohio

Ph 614.486.6446; Cell 614.949.2739; [andrea@agcohio.com](mailto:andrea@agcohio.com)

[www.agcohio.com](http://www.agcohio.com)

AGC – Quality People. Quality Projects.



April 28, 2017

Chairman Smith, Vice-Chair Ryan, Ranking Member Cera and members of the House Finance Committee:

The members of our groups represent both construction employer associations and building and construction trades that work on Ohio's construction projects. Sub. H.B. 49 now contains an amendment to increase competitive bidding thresholds for port authorities.

This increase of port authorities' competitive bidding thresholds to \$250,000 would amount to a 900% increase in their competitive bidding thresholds in less than six years (\$25,000 in 2011 to \$250,000). We believe that there is no public policy reasoning for reducing oversight of taxpayers' dollars being spent by these appointed – not elected – officials.

The long-established purpose of Ohio's competitive bidding laws is to ensure the taxpayers receive the best possible work product for the lowest possible price. Consider that competitive bidding provides numerous benefits:

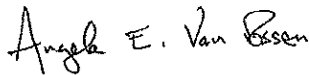
- Provides cost savings to the project owner and taxpayers by allowing multiple bidders to compete against each other for the lowest and best bid
- Provides a level playing field for bidders by providing project parameters established by thorough plans and specifications
- Helps ensure the use of qualified contractors
- Eliminates opportunities for unethical or illegal behavior such as contract steering or cronyism in public contracting

Every time one entity's competitive bidding thresholds are increased, there is an immediate outcry from all of the other government entities for the same increase on their thresholds. Cities, counties, townships and others will soon be knocking on your door to ask for a commensurate increase in their bidding thresholds. Increasing competitive bidding thresholds is detrimental to governmental budgets and the stewardship of taxpayer dollars, allows an opportunity for unethical contracting practices, and restricts the growth of business and the creation of jobs.



Government officials have a fiduciary responsibility to safeguard taxpayer dollars and we believe the best way to do that is by obtaining the best and lowest responsible bid through the well-established competitive bidding process. Contractors and their employees simply want the opportunity to fairly bid on projects and compete on a level playing field. Public officials should desire the accountability and savings afforded to them by the competitive bidding process.

We urge you to oppose any efforts to further erode the competitive bidding system for Ohio's port authorities by removing this change in their thresholds from Sub.H.B.49.



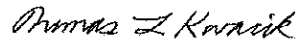
Angela E. Van Fossen  
Ohio Contractors Association




Andrea Ashley  
Associated General Contractors



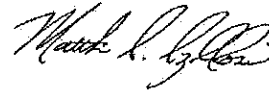
Tim Linville  
Construction Employers Association



Tom Kovacic  
Transportation Advocacy Group of NW Ohio



Tom Shreves  
National Electrical Contractors Association



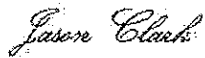
Matt Szollosi  
Affiliated Construction Trades



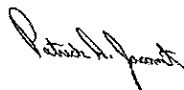
Valerie Dahlberg  
Mechanical Contractors Association of Ohio



Mark Totman  
Ohio Operating Engineers Local 18



Jason Clark  
Indiana-Kentucky-Ohio Regional  
Council of Carpenters

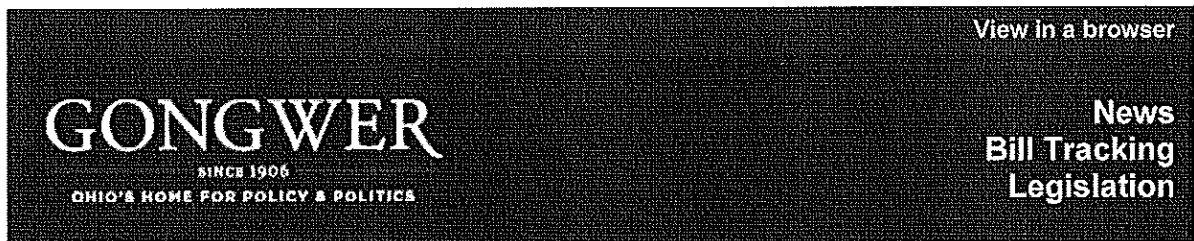


Patrick Jacomet  
Ohio Aggregates & Industrial Minerals Association (OAIMA)

**From:** gongwerreports@gongwer-oh.com on behalf of Gongwer News Service  
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## HOUSE ACTIVITY REPORT

### INTRODUCED

#### HB 203

#### SUMMER JOBS (Barnes, J.)

To require the Director of Development Services to establish a youth summer jobs pledging initiative to increase access to summer employment opportunities for high school and college youth.

#### HB 204

#### GRANTS DEPARTMENT (Barnes, J.)

To create the Department of Grants and Philanthropic Gestures.

**HB 205****SENIOR HOUSING (Barnes, J.)**

To enact the "Senior Housing Relief Act" to prohibit the sale of delinquent property tax certificates for homesteads owned for at least 20 years by a person aged 65 or older at the time of the sale and to prohibit tax foreclosure on such property when the senior homeowner has paid the current taxes in all but five or fewer taxable years.

**HB 206****AIR COMMISSION (Barnes, J.)**

To create the Commercial Airline and Air Freight Commission.

**HB 207****PHOTO MONITORING (Patton, T.)**

To prohibit a municipal corporation or township that does not operate either a fire department or an emergency medical services organization from utilizing traffic law photo-monitoring devices.

**HB 208****PHOTO MONITORING (Patton, T.)**

To prohibit a local authority with a population of 200 or fewer from utilizing traffic law photo-monitoring devices.

**HB 209****PHOTO MONITORING (Patton, T.)**

To prohibit a local authority, in any year, from issuing a total number of traffic tickets based on the use of traffic law photo-monitoring devices that exceeds two times the population of the local authority.

**HB 210****PHOTO MONITORING (Patton, T.)**

To prohibit a local authority from deriving more than 30 per cent of the total annual revenue of the local authority from the issuance of tickets for traffic law

violations based on evidence recorded by traffic law photo-monitoring devices.

**HB 211**

**HOME INSPECTORS (Hughes, J.)**

To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors.

**HB 212**

**ROAD NAMING (Householder, L.)**

To designate a portion of State Route 16 in Coshocton County as the "Staff Sergeant Paul C. Mardis Jr. Memorial Highway."

**HB 213**

**REAL ESTATE APPRAISERS (Dever, J.)**

To change the definition of "appraisal" for purposes of the Real Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency.

**HB 214**

**ABORTION (LaTourette, S., Merrin, D.)**

To prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome.

**HB 215**

**PAULDING COURTS (Riedel, C.)**

To create the Paulding County Municipal Court in Paulding on January 1, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court,

and to provide for the election for the Paulding County Municipal Court of one full-time judge in 2018.

## **CALENDAR FOR COMING SESSION**

### **HB 28**

#### **IC BUDGET (Brinkman, T.)**

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.

Wednesday, May 10

#### **EPINEPHRINE DISPENSING (Merrin, D.)**

To authorize an epinephrine autoinjector substitution when a prescription is filled or refilled, to authorize epinephrine to be dispensed without a prescription under a physician-established protocol, and to declare the act the "Epinephrine Accessibility Act."

Wednesday, May 10

#### **PROPERTY TAX COMPLAINTS (Merrin, D.)**

To expressly prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner.

Wednesday, May 10

#### **AWARENESS MONTH (Gonzales, A., Conditt, M.)**

To designate May as "Congenital Cytomegalovirus Awareness Month."

Wednesday, May 10

**REFERRED**

## **Armed Services, Veterans Affairs & Homeland Security**

### **HB 192**

#### **VETERAN COMMISSIONS (Miller, A., Anielski, M.)**

To permit county veterans service commissions to elect to add two members to the commission, one who is a veteran who served in Operation Enduring Freedom or Operation Iraqi Freedom, or subsequently in those theaters of operation, and one who is a military spouse.

### **HB 202**

#### **AWARENESS DAY (Thompson, A.)**

To designate the first Saturday of May as "Veterans Suicide Awareness Day."

## **Criminal Justice**

### **SB 1**

#### **DRUG OFFENSES (LaRose, F.)**

To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

### **SB 20**

#### **FELONY SENTENCES (Hackett, B.)**

To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

**SB 33****LAW ENFORCEMENT DATA (Eklund, J.)**

To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case.

**Economic Development, Commerce & Labor****HB 193****FLU VACCINES (Hagan, C.)**

To prohibit an employer from taking an adverse employment action against a person who has not been or will not be vaccinated against influenza.

**Education & Career Readiness****HB 200****SCHOOL CHOICE (Koehler, K.)**

To eliminate the Educational Choice Scholarship Pilot Program and Pilot Project Scholarship Program and to create the Opportunity Scholarship Program.

**Federalism & Interstate Relations****HB 201****CONCEALED WEAPONS (Hood, R., Brinkman, T.)**

To allow a concealed handgun licensee to carry concealed all firearms other than dangerous ordnance or firearms prohibited by state or federal law; to repeal the requirement that a licensee stopped for a law enforcement purpose promptly inform an approaching officer if the licensee is carrying a firearm and provide for expungement of convictions based on a violation of the requirement; and to provide that a person age 21 or older and not prohibited by federal law from possessing or receiving a firearm does not need a concealed handgun license in order to carry a concealed

firearm and is subject to the same laws regarding concealed firearm carrying as a licensee.

### **Financial Institutions, Housing & Urban Development**

#### **HB 199**

#### **MORTGAGE LENDING (Blessing, L.)**

To create the Ohio Residential Mortgage Lending Act for the purpose of regulating all non-depository lending secured by residential real estate and to limit the application of the current Mortgage Loan Law to unsecured loans and loans secured by other than residential real estate.

### **Government Accountability & Oversight**

#### **SB 88**

#### **FISCAL EMERGENCIES (Terhar, L.)**

To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision.

#### **HB 198**

#### **LOTTERY PURCHASES (Koehler, K.)**

To prohibit a lottery sales agent from accepting a credit card for the purchase of a lottery ticket.

### **Health**

#### **HB 196**

#### **AWARENESS MONTH (Lipps, S.)**

To designate October as "Ohio Chiropractic Awareness Month."

### **Higher Education & Workforce Development**



**SB 3****WORKFORCE DEVELOPMENT (Beagle, B., Balderson, T.)**

To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.

**Insurance****HB 197****EMT REIMBURSEMENTS (Patton, T.)**

To provide for insurance reimbursement for EMT services in nonemergency situations.

**State & Local Government****SB 37****POLICE CHIEF TRAINING (Hite, C.)**

To require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police.

**Transportation & Public Safety****SB 6****BRIDGE PROGRAM (Hoagland, F.)**

To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.

**HB 194****LICENSE PLATES (Johnson, T., Craig, H.)**

To establish a program for the issuance of special license plates related to military service and awards.

**HB 195****WHEELCHAIR TRANSPORTS (Ingram, C., Seitz, B.)**

To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances.

## **HOUSE SPEAKER'S APPOINTMENTS**

### **CRIMINAL JUSTICE: APPOINT REP. CELEBREZZE AS RANKING MEMBER**

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## OHIO REPORT TUESDAY, MAY 9

**House Chair Gauges Interest For Opt-Out With FirstEnergy ZEN Proposal**

**Panel Advances Workforce Discrimination Measure After Some  
Opposition Shifts To Neutral**

**Advocates Push For Passage Of Death Penalty Exemption**

**Senate Panel Moves Human Trafficking Bill**

**Sponsors Push Bill To Render Prevailing Wage Law Permissive**

**Opponents Urge Changes To First Responder Proposal**

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**Volume #86, Report #89 -- Tuesday, May 9, 2017**

**House Chair Gauges Interest For Opt-Out With FirstEnergy ZEN Proposal**

The chairman of the House Public Utilities Committee on Tuesday repeatedly floated the idea of permitting FirstEnergy customers to opt-out of a proposed zero-emission credit program.

The suggestion from Rep. Bill Seitz (R-Cincinnati), raised during the bill's second hearing, could lay the groundwork for a future attempt to advance the controversial bill that both lawmakers and opponents are skeptical will gain support in both chambers in its current form.

As proponents and opponents sounded off on the bill (HB 178), Rep. Seitz likened his idea to a recent House-passed bill that would permit utilities to opt out of the renewable energy standards (HB 114). (See Gongwer Ohio Report, March 30, 2017)

Why not do the same in this case, he asked witnesses.

"I think we're onto something," the Cincinnati Republican remarked of the ZEN bill, pointing out widespread support among Cleveland area churches and unions. "It sounds like everybody north of I-70 is for it."

Opponents, meanwhile, continued voicing their opposition to the bill, even as they admit they're skeptical it will pass both chambers. A Senate companion bill (SB 128) faces an "uphill climb" in gaining Republican support, sponsors and leaders in that chamber have said. (See Gongwer Ohio Report, April 26, 2017)

"I have yet to find a member other than the sponsors of the legislation...who think this has any movement at all," API-Ohio Executive Director Chris Zeigler, an opponent, said in a morning press call timed with the bill's hearing.

API and others argue the bill will subsidize outdated nuclear plants at the expense of natural gas resources and consumers. Fifteen opponents addressed the committee Tuesday, urging lawmakers to kill the bill.

Responding to a question from Rep. Seitz, Dynegy President and CEO Robert Flexon said the issuance of subsidies has eroded investor faith in the competitive market.

"There is nothing in Ohio law that prevents any Ohio-based utility from constructing a new power plant via their unregulated generation affiliate," Mr. Flexon said. "They simply choose not to do so. Instead, they are asking you to ensure they continue to collect revenue for plants that are no longer economic."

But proponents argue the proposal is necessary to stave off the closures of the Davis-Besse and Perry plants. FirstEnergy President and CEO Chuck Jones told the committee last week he couldn't guarantee the plants' survival even with the ZEN program. (See Gongwer Ohio Report, April 25, 2017)

"Our members depend on nuclear plant work to make ends meet for their families and there simply is no replacement for those jobs," testified Terry Joyce, business manager of Cleveland's Building Laborers Union Local 310. "Closure of the plants would not only create great uncertainty for our members, but also for the other businesses they serve."

International Brotherhood of Electrical Workers Local 245 Business Manager Larry Tscherne added that the plants bring in more than \$500 million in direct and indirect gross domestic product a year. "Losing those massive economic engines is simply not something we can afford," he said.

Opponents told committee members the bill would drive up consumer costs - a figure that Ohio Consumers' Counsel and Northeast Ohio Public Energy Council representative Jeff Jacobson placed at about \$1,000 over the program's 16-year life. He argued competition in the energy markets is working, but is continually undermined by utilities' requests for subsidies.

"Even if these plants were to close, Ohio has about eight new power plants that are in different stages of planning and construction," Mr. Jacobson said. "Those plants will have to be run economically and will have no ability to obtain a similar subsidy from Ohioans. They will employ Ohioans, pay Ohio local taxes, and if they clear the regional market, will cost Ohioans less than the two nuclear plants, if those two plants cannot be run economically."

ESPA President and CEO John Shelk said competitive markets are working. Now that prices are lower, some of the biggest proponents of a competitive market place want government intervention to increase their prices, he said.

Responding to questions, Mr. Shelk said he viewed the proposal as a subsidy. "You're essentially saying these plants can't compete on their own so we're giving them an out-of-market payment. To me that's a subsidy," he said.

But Philip Rudolph, vice president of construction company Rudolph Libbe Group, said the ZEN program is crucial for job retention and creation.

"This legislation will help preserve Ohio's two nuclear plants by ensuring they are fairly compensated for the clean, secure and reliable electricity they provide to families and businesses in our state," he said.

Other proponents testifying included the Ottawa County Emergency Management Agency, Laborer's Local 310, Cleveland Clergy Coalition and Perry Local Schools.

Opponents testifying also included the Nuclear Information and Resource Service, Clean Air Future, the Ohio Manufacturers' Association, Cooper Tire and Rubber, Lordstown Energy Center, Lightstone Generation, Scioto Energy, the League of Women Voters of Ohio, Environmental Defense Fund, Ohio Citizen Action, the Ohio Environmental Council, and AARP Ohio.

### **Panel Advances Workforce Discrimination Measure After Some Opposition Shifts To Neutral**

A House committee on Tuesday reported a workplace discrimination measure that was amended to appease some opponents who warned that the as-introduced version would protect bullies who discriminate in the workplace.

The 9-5 vote of the House Economic Development, Commerce & Labor Committee followed the adoption of a substitute version and testimony from several previous opponents who told members that after months of negotiations they are now neutral on the bill (HB 2).

The bill ultimately passed along party lines with Democratic Reps. Michele Lepore-Hagan, Brigid Kelly, Alicia Reece, Michael Sheehy and Thomas West voting against the measure. In statements prior to the vote, Reps. Lepore-Hagan and West thanked sponsors for their collaborative approach, but expressed reservations the sub bill, although an improvement, would weaken civil rights law and open the door to more drastic changes in the future.

The bill from Rep. Bill Seitz (R-Cincinnati), which the Ohio Chamber of Commerce has pushed for years, was aimed at mirroring Ohio's civil rights law with its federal counterpart, according to proponents. But opponents previously argued the bill would weaken workplace protections against discrimination and shield bullies by removing individual liability. (See Gongwer Ohio Report, March 7, 2017)

Fred Gittes, an employment attorney speaking for the Ohio Employment Lawyers Association and Protecting Ohio's Employees, told the committee he was shocked to be appearing before the committee as a neutral party. That's because he's been a strong opponent of lawmakers' previous 17 attempts to pass such legislation, he said.

Mr. Gittes, who voiced his objections to the committee several times in recent months, praised members and proponents for hearing his concerns about the bill and crafting an agreeable bill.

"OELA and POE care deeply about protecting Ohio's employees and the anti-discrimination laws in the workplace," Mr. Gittes said. "We have worked hard on behalf of all employees to provide amendments to this legislation to ensure that their rights are protected. We feel that substitute HB2 is fair and reasonable."

Two key changes in the bill include language requiring one to file a charge of discrimination before the Ohio Civil Rights Commission before filing a lawsuit and the



extension of the previously proposed one-year statute of limitations for such claims to two years.

The substitute version of the bill also (Comp Doc):

- Prohibits the filing of a lawsuit unless one has received a notice of right to sue from the OCRC, has requested a notice and the commission fails to issue the notice within 45 days after the required date, or after the panel determines it is probable discrimination took place in that case.
- Permits a person to file a lawsuit without a notice of right to sue if the person seeks only injunctive relief or the person has filed a charge with both the OCRC and the federal Equal Employment Opportunity Commission.
- Restores individual liability compared to the introduced version by permitting a person to file a lawsuit or OCRC charge alleging an individual who is not the employer retaliated against the victim or aided the discriminatory behavior.
- Removes supervisor liability, but marries the Ohio definition of "agent of the state, political subdivision or person" to federal code.
- Preserves age discrimination remedies as provided by current law and grants those claims the same time limits for filing as other discrimination claims.
- Codifies affirmative defense for sexual harassment claims to match federal law.

Ohio Chamber Director of Labor and Legal Affairs Don Boyd said the changes in the substitute version were reached after ongoing talks with the OCRC and other interested parties. He emphasized the chamber's view that the bill is needed to streamline the employment discrimination resolution process and ease the burden on businesses which often face such lawsuits years after the incident in question occurred.

"HB2 fixes the problems...in a manner that is workable for employers, employees and the state," Mr. Boyd said. "Simply put, substitute HB2 restores balance to Ohio's employment discrimination statutes and reclaims legislative control of this significant issue. It does so in a way that addresses the concerns many businesses have with the statutes while still protecting Ohio's workers and creating good public policy for the state."

OCRC Chairman Leonard Hubert said the group is grateful for sponsors' willingness to discuss the bill and supports the sub bill's requirement that complaints must first be filed with the OCRC before pursuing a lawsuit.

"Requiring complainants to first file with the OCRC will give all parties the option of engaging in OCRC's free alternative dispute resolution programs. All charges will also have the opportunity to go through our more cost-efficient investigative and administrative process," he said. "Crucially, an exhaustion requirement would also allow

the state to measure the problem of employment discrimination in our state through superior data collection."

The Ohio Association for Justice also dropped its opposition to the bill in written testimony.

"While we question the need for the legislation, in our judgement the amended bill should not deprive Ohioans of their legal right to seek redress for discrimination or harassment in the workplace," Executive Director John Van Doorn wrote.

### **Advocates Push For Passage Of Death Penalty Exemption**

Executing individuals with severe mental illness provides little deterrence and should be outlawed, a former Ohio Supreme Court justice told a House panel Tuesday.

Evelyn Lundberg Stratton was joined by three others in urging the House Criminal Justice Committee to pass bipartisan legislation (HB 81) that would exempt from the death penalty those diagnosed with schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder or delusional disorder at the time a capital offense was committed.

"As a former justice on the Ohio Supreme Court, it has been my long-held belief that the Ohio General Assembly should enact provisions exempting people with serious mental illness from the death penalty. It was my view then, as it is today, that deterrence is of little value as a rationale for executing offenders with severe mental illness when they have diminished impulse control and planning abilities," she said.

"The 'evolving standards of decency' which prohibit the execution of juveniles and those with intellectual disabilities should prohibit execution of those with serious mental illness."

Under the legislation, Ms. Lundberg Stratton said, those currently jailed for capital offenses would have 365 days from the effective date of the bill to apply for post-conviction relief.

"While there is no judicially-created exemption for capital defendants with serious mental illness in Ohio, for nearly 20 years, individual justices of the state supreme court, myself included, have questioned the appropriateness of executing capital defendants with demonstrated serious mental illness," she said.

Rep. Dorothy Pelanda (R-Marysville) asked if that provision would lead to the court system being flooded with death row inmates seeking to overturn their sentences.

Ms. Lundberg Stratton estimated just 10-15% of death row inmates would even qualify to file an application. She also explained that the law must be retroactive due to the U.S. Supreme Court's decision in the *Atkins* case.

Rep. Pelanda then questioned whether an attorney's failure to seek to overturn a death sentence on the grounds covered in the bill would lead to a slew of ineffective counsel claims. Ms. Lundberg Stratton said that would be unlikely.

Rep. Jim Butler (R-Oakwood) asked if those with severely diminished capacity due to drug use would be covered under the bill.

Ms. Lundberg Stratton said the bill was specifically written to exclude such cases.

Dr. Megan Testa, testifying on behalf of the Ohio Psychiatric Physicians Association, said given the definition of "serious mental illness" in the bill, only a fraction of Ohioans with mental illness would qualify.

"It has not been my experience as a psychiatrist to see people with mental illness find effective, tolerable treatments that resolve their symptoms, and then volitionally stop those medications. I do not see this, simply put, because nobody wants to be seriously mentally ill," she said.

"Given the realities of the mental health treatment system that we have in this country, and the limitations of available treatments, individuals who are not taking medications at the time they commit crimes are not undeserving of consideration for exclusion from the death penalty."

Stephen JohnsonGrove, deputy director for policy at the Ohio Justice & Policy Center, said both "competency to stand trial" and insanity defenses are insufficient in cases involving those with serious mental illnesses.

He said competency to stand trial standards do not address competency at the time of a crime and insanity defenses seldom work.

"Competency determinations, the insanity defense, and mitigation serve important roles in the criminal justice system, and each of these concepts demonstrate the extent to which mental illness can affect death penalty cases," he said.

"Unfortunately, none of these concepts adequately protect seriously mentally ill defendants from receiving the death penalty and being executed. As a result, House Bill 81 is essential to ensuring that seriously mentally ill defendants will be punished but will not be given the death penalty."

David Niven, a political science professor at the University of Cincinnati, said serious mental illness often works as an aggravating factor in sentencing for jurors.

"Leaving serious mental illness as a mitigating factor - rather than an excluding factor as this bill would do - thwarts the intent of most legislators by increasing the likelihood that less culpable individuals could be sentenced to death," he said.

Similar legislation (SB162, 131<sup>st</sup> General Assembly) cleared a Senate panel last year but did not receive a vote on the floor.

### **Senate Panel Moves Human Trafficking Bill**

A Senate panel on Tuesday moved legislation to expand the list of offenses eligible for expungement for victims of human trafficking.

The Senate Judiciary Committee unanimously reported the legislation (SB 4) after it was amended to provide more judicial discretion based on a six-factor test in cases of first- and second-degree felonies.

"We've kind of hit a point where we've got to land the plane or not land it," Chairman Sen. Kevin Bacon (R-Minerva Park) said of the amendment, which came about after the bill was criticized by the Ohio Prosecuting Attorneys Association.

The amendment was approved in an 8-2 vote, with Sen. Michael Skindell (D-Lakewood) and Sen. John Eklund (R-Chardon) voting against the changes.

Sen. Eklund said he is concerned that the change places additional obstacles in front of victims of human trafficking that other offenders do not face.

The bill and the amendment also drew criticism from Kari Bloom of the Office of the Ohio Public Defender. She said the amended version of the bill "reminds judges to think twice about doing the right thing."

"The list of considerations which a judge shall consider under the amendment is an expression of a misunderstanding of what human trafficking is and is not," she said.

She also expressed concern that the amended version of the bill gives prosecutors more control over the process.

"If we truly care about this group of trafficked victims and sealing and expunging their records, this amendment doesn't move us any closer to that," Ms. Bloom said.

Sen. Bacon said the panel was attempting to strike a balance with the amendment. But Ms. Bloom said the changes place more power in the hands of prosecutors.

"The state is always represented through the entire process," she said.

Ms. Bloom also sought to refute criticism of the legislation offered by OPAA Executive Director John Murphy. (See Gongwer Ohio Report, May 2, 2017)

She told members of the panel that expungement provision will help victims of human trafficking get back on their feet. However, she suggested the measure be amended to

require clerks of court to send expungement orders to the Bureau of Criminal Investigation.

"There are countless instances where BCI did not receive the court's order to seal or expunge a record, and the conviction erroneously shows up on a background check. Employers, schools, and other government agencies who request and receive background checks rely on them for accuracy, and make employment decisions based on what BCI reports," she said. "That means people lose out on jobs or are dismissed from their positions because of the miscommunication between courts and BCI."

Ms. Bloom also took on Mr. Murphy's contention that victims of human trafficking raise duress defenses, calling it "poor public policy."

"Logistically, the person will have to take the stand and explain the trauma and events of their trafficked existence. Testifying about the people who trafficked him/her and how puts people in a very precarious position and makes them vulnerable to physical harm," she said.

Sasha Naiman, deputy director & second chance project director at the Ohio Justice & Policy Center, said the legislation solves two significant problems in allowing human trafficking survivors to apply to expunge virtually all criminal convictions and addressing arrests that did not lead to convictions.

"The non-convictions continue to appear on background checks, online clerk of-courts sites, etc. Survivors have to take a separate action to seal these records - and even then, the records stay with the court and are accessible in the future (in limited situations)," she said. "It is necessary for non-convictions to also be expunged to fully realize the purpose of the original Safe Harbor Act."

The panel also heard testimony from Wanda Romans-Earls, a human trafficking survivor who has earned a degree in social work but is unable to obtain a license because of her lengthy criminal history.

"I need an expungement to leave my past behind me and become successful," she said.

Sen. Peggy Lehner (R-Kettering) asked Ms. Romans-Earls how she was able to escape human trafficking. Ms. Romans-Earls said she was only able to do so after her pimp was murdered.

### **Sponsors Push Bill To Render Prevailing Wage Law Permissive**

Sponsors of a bill to allow communities to opt out of the state's prevailing wage law told a House committee Tuesday their proposal would restore local decision making and lower construction project costs.

Rep. Kristina Roegner (R-Hudson) and Rep. Craig Riedel (R-Defiance) made their arguments before the House Economic Development, Commerce & Labor Committee

during the measure's first hearing. The sponsors' remarks lay the groundwork for a contentious debate with unions should the bill (HB 163) advance.

The legislation would essentially allow local governments to choose whether to comply with a law requiring contractors to pay union-scale wages for publicly funded construction projects that exceed \$250,000 in value. Rep. Roegner authored a similar bill last session (HB282, 131<sup>st</sup> General Assembly) that did not receive hearings.

"We have an opportunity with HB163 to lift the shackles of a state-mandated wage, allow for local decision making, and increase the buying power of each taxpayer-funded construction dollar," Rep. Roegner said. "Ohio should join the 20 states who do not burden their taxpayers with state-mandated wage laws."

Rep. Riedel called the measure a "common sense bill with a simple concept." Making prevailing wage permissive, he said, could ultimately save taxpayers money by restoring competition to the process.

"Most often, this mandated wage drives up and inflates the overall cost of a project, leaving that local government entity less money to work with on other construction projects," Rep. Riedel said. "By not allowing the labor rates to be part of the competitive bid process on a project, the taxpayer ends up overpaying because the free market is unable to play out."

But committee Democrats questioned whether the move would essentially repeal prevailing wage law, resulting in less income tax revenue for local governments and fewer construction jobs.

"Do you think we should increase the local government funds sent back to local governments instead of attacking decent wages?" Rep. Michele Lepore-Hagan (D-Youngstown) asked.

"I do not believe this is attacking decent wages," Rep. Roegner replied. "Quite the contrary. Regarding the local government fund, I believe that's a separate discussion itself."

When sponsors cited Indiana's success repealing its own prevailing wage law, Rep. Thomas West (D-Canton), pointed to a quote from Indiana Republican Rep. Ed Soliday who opined on video last year that the 2015 move "hasn't saved a penny."

Rep. Roegner said she hadn't seen Mr. Soliday's comment. "What I do have before me is years of data from several states that make a very compelling argument there is a fiscal reason to do this," she said.

She also emphasized a 2002 Legislative Service Commission analysis that she said determined Ohio's 1997 move to exempt school construction from prevailing wage law resulted in \$487.9 million in savings.

Rep. West questioned how reducing wages, and therefore income tax revenue, would save local dollars and asked whether the move would drive more people onto welfare programs.

Sponsors responded that although some wages would be lost, local governments could afford to conduct more construction projects which would equate to more jobs.

A similar bill (SB 72) was introduced in the Senate in March as is awaiting hearings before the Senate Finance Committee. (See Gongwer Ohio Report, February 28, 2017)

### **Opponents Urge Changes To First Responder Proposal**

Opponents of legislation designed to stiffen penalties for attacks on first responders and military members urged a House panel to rethink the measure.

The legislation (HB 38) would alter the offense of aggravated murder to include purposely causing the death of a first responder or military member when the victim was engaged in official duties or the offender's specific purpose was to kill a first responder or military member.

The measure also increases the penalty for felonious assault against a first responder or military member from a second-degree felony, absent any specification, to a first-degree felony that carries a mandatory sentence of three to eleven years. That prison term would be required to be served consecutively to any offenses committed at the same time.

But Kari Bloom of the Office of the Ohio Public Defender said the bill is problematic.

"Felonious assault is traditionally based on intent and serious physical harm, or intent and a threat of serious physical harm," she said. "HB38, however, removes the harm requirement from felonious assault, technically elevating a first-degree misdemeanor assault to a second-degree felony with prison time."

Ms. Bloom also raised concern about the potential for an offender to be charged with an enhanced crime if the victim had ever served in the military or as a first responder.

"I urge the committee to table this bill, but in the alternative, at least consider remedying the inappropriate and incoherent felonious assault portions, and delineate an elevated standard of proof of intentionally victimizing a member of this protected class," she said.

"Like the war on drugs, Medicaid reform, and gun laws, the topic of this bill excites visceral reaction from some areas of our state. And, statistics and data give us potential answers and information about what works, but it's up to us to use that information to influence public opinion."

Gary Daniels, chief lobbyist at the ACLU of Ohio, said the legislation is likely to add to the state's already overcrowded prison system.

"As a result of bipartisan efforts, states across the country continue to see their prison numbers decrease," he said. "But, not here in Ohio."

Mr. Daniels also asked members of the panel to put the legislation on hold until the Criminal Justice Recodification Committee wraps up its work.

"A balance must be struck," he said. "Under consideration is increasing Ohio's numerous mass incarceration and death penalty issues via passage of HB38 when current law already severely punishes those who commit the acts addressed in this bill."

Asked by Chairman Rep. Nathan Manning (R-N. Ridgeville) what impact the legislation would have on the state's prison population, Mr. Daniels cited Legislative Service Commission analysis that found after six years in effect, it would add at most several hundred thousands of dollars to the Department of Rehabilitation and Correction budget due to longer prison sentences.

Mr. Daniels also remarked on the amount of criminal justice legislation that makes its way through the General Assembly, calling it "death by a thousand cut."

"That's how we got to this mess in the first place," he said.

### **ECOT Supporters Rally Against E-School Attendance Calculation Changes**

Electronic Classroom of Tomorrow founder Bill Lager made a rare public appearance on Tuesday to make it known that he's angry about the state's treatment of e-schools.

He said during a Statehouse rally promoting ECOT that state changes to how online schools receive funding could undermine the efforts that have been made to provide Ohio students with alternative education opportunities.

"They keep telling us 'No,' and we know when the world says, 'No,' ECOT says 'Yes,'" Mr. Lager told the hundreds of supporters who took to the steps of the Statehouse with signs chants of, "We are ECOT."

ECOT and the Department of Education are currently embroiled in a legal battle over the agency's determination that e-schools must show students are logging in to participate in 920 hours of learning opportunities each year. (See Gongwer Ohio Report, December 15, 2016)

The state's largest e-school was unable to produce such information for a number of students, meaning it could owe the state about \$60 million in overpayments for students that were reported as being full time last year.

ODE won the case in the first round, but ECOT is currently pushing for that decision to be overturned in appeals court.



Mr. Lager explained that the idea for the e-school was also borne out of anger with the state's education system. His stepdaughter had a chronic illness and was not able to continue schooling because no brick and mortar school could accommodate her hospital stays, he said.

He teared up speaking about her as well as an ECOT student who he said was proud to make earning a diploma her final life goal after she was diagnosed with cancer and couldn't attend traditional schools because of her treatments.

"No two students are alike. Isn't it time we get that message and get it now?" Mr. Lager said.

ECOT Board President Andrew Brush said requiring students to log in for a certain number of hours during defined time periods is difficult for some students, particularly those who are struggling with illnesses.

"We can tell there's a sickness in the very heart of the state's education administration when unelected bureaucrats want to cut (ECOT's) funding for a student who misses a week of classes because she's having chemotherapy or because he's in the hospital," he said. "And meanwhile, they don't cut one red cent of funding for traditional brick and mortar schools even if their students don't show up for an entire month without a doctor's excuse."

ECOT has hinted that the attendance calculation change could lead to significantly less funding and a possible shutdown of the school that currently enrolls about 15,000 students.

Teachers, students and a national e-school advocate also spoke at the rally, which they said was the first of its kind in school history. Supporters said it won't be the last unless there are changes made at the state level to ensure ECOT can continue serving students.

The rally has received criticism from some, however, including a handful of ECOT teachers who reported that the school's leaders attempted to make attendance at the event mandatory.

ECOT teachers told *The Columbus Dispatch* that they received emails saying they were required to be at the Statehouse Tuesday. Speaking anonymously, the educators said they would rather be teaching students than rallying for political issues.

Following the reports, the school sent new emails stating that attendance was optional.

ProgressOhio Executive Director Sandy Theis also spoke out against the rally, questioning how ECOT was paying for the buses that transported supporters to the Statehouse.

"Traditional schools are not permitted to take teachers and staff out of the classroom for a day-long political event and charter schools should have to follow the same ban," she said in a statement. "Instead of promoting their schools with fake news, ECOT officials should use their public funds to improve the school's terrible academic record."

The rally is the second that's recently touted school choice. Last week, more than 1,000 educators, parents and teachers met outside the Statehouse to promote school choice and legislation (SB 85) that would expand the availability of student scholarships. (See Gongwer Ohio Report, May 2, 2017)

### **Report Details Children Services Caseloads; Group Urges Support In Budget**

The Public Children Services Association of Ohio urged lawmakers Tuesday to maintain an increase in funding for child protection, a plea that coincided with the release of the group's biennial factbook.

The factbook cited troubling trends that have placed additional burdens on the state's system.

"The ravages of the Great Recession, the scourge of the opioid epidemic, and the increasing complexity of children who need services from multiple systems have led to an 11 percent increase in the number of children in custody on any given day since 2010," the report found.

PCSAO also cited a 62% increase in children in custody placed with kin, and a 17% increase in placement costs since 2013.

County-level figures on children in custody, their placements and numbers of reports and cases are also available in the factbook.

"Nowhere else can you find county-by-county data demonstrating the debilitating impact of addiction and other factors on the child protection system," PCSAO Executive Director Angela Sausser said in a statement. "Compounding the crisis is the state's share in children services funding, which suffered a 21% decrease in 2009 and has remained flat-funded at around \$45 million per year since then. Previous attempts at increasing the state's funding for children services resulted in competitive grants and one-time funding."

The House added a provision increasing the state's investment in child protection by \$15 million per year. It also included \$10 million in federal TANF money for child care for kinship families. Both of the proposals were part of the House's \$170 million dedicated to battling the drug crisis. (See Gongwer Ohio Report, April 25, 2017)

The PCSAO pushed for the funding for kinship families and added money for child protective services as a way of dealing with the effects of the drug crisis. (See Gongwer Ohio Report, April 14, 2017)

Ms. Sausser urged the Senate to maintain the added \$15 million or increase it.

"County agencies are spending \$55.6 million more in placement costs alone, and the cost of caseworker turnover is estimated at more than \$24 million per year," she said. "We are grateful to the House for increasing the State Child Protection Allocation by \$15 million per year, and we encourage the Senate to maintain or increase that investment. It is time for the state to invest in its children, families, and the system that protects the most vulnerable population, children services."

The factbook delves into several specific issues related to children services, such as multi-system youth. Children with mental illness, developmental disability or juvenile delinquency account for a large number of children in custody, the report said. Last July, 63% of children in the system were in custody for reasons aside from abuse or neglect, often because a parent is forced to relinquish custody to secure treatment or care for the child.

The report also looked at the high turnover among employees in the children services sector. Caseworkers often leave positions for more traditional jobs that pay better due to burnout or secondary trauma, PCSAO reported.

### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Supplemental Event Planner**

**Wednesday, May 10**

Fraternal Order of Police news conference on legislation increasing penalties for motorists who fail to move over for vehicles stopped on shoulder, Harding Senate Press Rm., Statehouse, Columbus, 10 a.m.

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## Daily Activity Planner for Wednesday, May 10

### Legislative Committees

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

**HB 131**      **PHYSICAL THERAPY** (Gavarone, T., Reineke, B.) To modify the laws governing the practice of physical therapy. (1st Hearing-Sponsor)

**HB 149**      **ABORTION** (Patmon, B., Conditt, M.) To expand the crime of abortion trafficking and to increase the penalty. (3rd Hearing-Opponent)

**Senate Ways & Means** (Committee Record) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

**SB 36**      **AGRICULTURAL LAND** (Hite, C.) To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (6th Hearing-All testimony-Possible amendments & vote)

**SB 131**      **TAX CREDITS** (Dolan, M.) To provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit. (2nd Hearing-Proponent)

**House Government Accountability & Oversight** (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 9:30 a.m.

**HB 132**      **FANTASY CONTESTS** (Dever, J., McColley, R.) To grant the Ohio Casino Control Commission the authority to regulate fantasy contests and to exempt fantasy contests from the gambling laws. (2nd Hearing-Proponent)

**HB 144**      **WASTE COLLECTION VEHICLES** (Green, D., Rogers, J.) To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside. (1st Hearing-Sponsor)

**House Insurance** (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 115, 10 a.m.

**HB 27**      **BWC BUDGET** (Brinkman, T.) To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (6th Hearing-Possible amendments, substitute & vote)

**Senate Finance: Health & Medicaid Sub.** (Committee Record) (Chr. Hackett, B., 466-3780), North Hearing Rm., 10 a.m.

- **Panel discussions on Managed Long Term Services and Supports and Behavioral Health Redesign**  
House Agriculture & Rural Development (Committee Record) (Chr. Hill, B., 644-6014), Rm. 018, 11 a.m.

**HB 62**      **WATER QUALITY (Patterson, J., Sheehy, M.)** To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption. (1st Hearing-Sponsor)

**HB 175**      **LIVESTOCK OWNERSHIP (Brinkman, T.)** To allow an owner of residential property to keep, harbor, breed, or maintain small livestock on the property, and to prohibit zoning authorities from regulating certain agricultural activities conducted on residential property for noncommercial purposes. (1st Hearing-Sponsor)

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

Senate Finance: Primary & Secondary Education Sub. (Committee Record) (Chr. Hite, C., 466-8150), Finance Hearing Rm., 2:30 p.m. or after session

- **Informal budget hearing**

~~Canceled: House Armed Services, Veterans Affairs & Homeland Security (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 116, 4 p.m. or after session~~

**HB 158**      **MILITARY TRANSFERS (Perales, R., Craig, H.)** To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits. (1st Hearing-Sponsor)

**HB 183**      **AVIATION HALL (Perales, R.)** To establish the Governing Board of the Ohio Aviation Hall of Fame and Learning Center for purposes of establishing the Hall and inducting persons into it. (1st Hearing-Sponsor)

~~Canceled: House Community & Family Advancement (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 4 p.m.~~

**HB 187**      **APPLICANT INFORMATION (Dever, J.)** To regulate the collection, use, and retention of certain information obtained from an applicant during the employee selection process. (1st Hearing-Sponsor)

**HB 126**      **KINSHIP CAREGIVERS (Boyd, J., Rezabek, J.)** To require a region-based kinship caregiver navigator program. (2nd Hearing-Proponent)

## **Agency Calendar**

Veterinary Medical Licensing Board, Rm. 1914, 77 S. High St., Columbus, 8:30 a.m.

Ethics Commission, 30 West Spring Street, Rm. 2, 2nd Fl., Columbus, 11 a.m.

BWC Nominating Council, South Rm. A, 31st Fl., 77 S. High St., Columbus, 1 p.m.

## **Event Planner**

**Ohio Dermatological Association free head and neck skin screening, Statehouse Rotunda, Columbus, 10 a.m., (Screenings run from 10 AM - 12 PM and 2 PM - 4 PM)**

**Fraternal Order of Police news conference on legislation increasing penalties for motorists who fail to move over for vehicles stopped on shoulder, Harding Senate Press Rm., Statehouse, Columbus, 10 a.m.**

**Rep. Sarah LaTourette (R-Chesterland) and Rep. Theresa Gavarone (R-Bowling Green) fundraiser, Oliver's, 26 N. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to LaTourette for Ohio and/or Citizens for Gavarone)**

**Rep. Mike Henne (R-Clayton) fundraiser, Condado Downtown, 132 S. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Mike Henne)**

**Gov. Kasich to attend Ohio Tourism Day event, West Plaza, Statehouse, Columbus, 12 p.m.**

**Ohio Dermatological Association Legislative Reception, Sheraton Capitol Square, 75 E. State St., Columbus, 4 p.m.**

**Rep. Kathleen Clyde (D-Kent) fundraiser, Oliver's, 26 N. High Street, Columbus, 5 p.m., (Sponsor \$5,000 Patron \$2,500 Host \$1,000 Supporter \$500 to Kathleen Clyde Committee)**

**Rep. Janine Boyd (D-Cleveland Hts.) & Rep. Stephanie Howse (D-Cleveland) fundraiser, Tony's, 16 W. Beck St., Columbus, 5:30 p.m., (Sponsor \$1,000 Host \$500 Friend \$350 to Friends of Janine Boyd and/or Friends of Stephanie Howse)**

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## House Activity for Tuesday, May 9, 2017

### INTRODUCED

- HB 203** ■ **SUMMER JOBS (Barnes, J.)** To require the Director of Development Services to establish a youth summer jobs pledging initiative to increase access to summer employment opportunities for high school and college youth. Am. 122.043
- HB 204** ■ **GRANTS DEPARTMENT (Barnes, J.)** To create the Department of Grants and Philanthropic Gestures. Am. 121.02 and 121.03 and to enact section 121.77
- HB 205** ■ **SENIOR HOUSING (Barnes, J.)** To enact the "Senior Housing Relief Act" to prohibit the sale of delinquent property tax certificates for homesteads owned for at least 20 years by a person aged 65 or older at the time of the sale and to prohibit tax foreclosure on such property when the senior homeowner has paid the current taxes in all but five or fewer taxable years. Am. 323.25, 5721.18, and 5721.31
- HB 206** ■ **AIR COMMISSION (Barnes, J.)** To create the Commercial Airline and Air Freight Commission. Am. 4561.61
- HB 207** ■ **PHOTO MONITORING (Patton, T.)** To prohibit a municipal corporation or township that does not operate either a fire department or an emergency medical services organization from utilizing traffic law photo-monitoring devices. Am. 4511.092 and 4511.093
- HB 208** ■ **PHOTO MONITORING (Patton, T.)** To prohibit a local authority with a population of 200 or fewer from utilizing traffic law photo-monitoring devices. Am. 4511.093
- HB 209** ■ **PHOTO MONITORING (Patton, T.)** To prohibit a local authority, in any year, from issuing a total number of traffic tickets based on the use of traffic law photo-monitoring devices that exceeds two times the population of the local authority. Am. 4511.093



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**HB 210** ■ **PHOTO MONITORING (Patton, T.)** To prohibit a local authority from deriving more than 30 per cent of the total annual revenue of the local authority from the issuance of tickets for traffic law violations based on evidence recorded by traffic law photo-monitoring devices. Am. 4511.093

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**HB 211** ■ **HOME INSPECTORS (Hughes, J.)** To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. Am. 109.572, 121.08, 2925.01, 4745.01, 4776.10, and 4776.20 and to enact sections 4764.01 to 4764.20 and 4764.99

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**HB 212** ■ **ROAD NAMING (Householder, L.)** To designate a portion of State Route 16 in Coshocton County as the "Staff Sergeant Paul C. Mardis Jr. Memorial Highway." Am. 5534.801

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**HB 213** ■ **REAL ESTATE APPRAISERS (Dever, J.)** To change the definition of "appraisal" for purposes of the Real Estate Appraiser Licensing Law, to make changes to certain procedures and the exceptions to licensure under that law, to regulate appraisal management companies, and to declare an emergency. Am. 109.572, 121.08, 4763.01, 4763.02, 4763.03, 4763.05, 4763.08, 4763.11, 4763.12, 4763.13, 4763.14, 4763.15, 4763.17, and 4763.19 and to enact sections 4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 4768.14, 4768.15, and 4768.99

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**HB 214** ■ **ABORTION (LaTourette, S., Merrin, D.)** To prohibit a person from performing, inducing, or attempting to perform or induce an abortion on a pregnant woman who is seeking the abortion because an unborn child has or may have Down Syndrome. Am. 3701.79 and to enact sections 2919.10 and 2919.101

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**HB 215** ■ **PAULDING COURTS (Riedel, C.)** To create the Paulding County Municipal Court in Paulding on January 1, 2019, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Paulding County County Court on that date, to designate the Paulding County Clerk of Courts as the clerk of the Paulding County Municipal Court, and to provide for the election for the Paulding County

Municipal Court of one full-time judge in 2018. Am. 1901.01, 1901.02, 1901.03, 1901.07, 1901.08, 1901.31, 1901.312, 1901.34, and 1907.11

## CALENDAR FOR COMING SESSION

**HB 28** ■ **IC BUDGET (Brinkman, T.)** To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.  
Wednesday, May 10

**HB 101** ■ **EPINEPHRINE DISPENSING (Merrin, D.)** To authorize an epinephrine autoinjector substitution when a prescription is filled or refilled, to authorize epinephrine to be dispensed without a prescription under a physician-established protocol, and to declare the act the "Epinephrine Accessibility Act."  
Wednesday, May 10

**HB 118** ■ **PROPERTY TAX COMPLAINTS (Merrin, D.)** To expressly prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner.  
Wednesday, May 10

**HB 165** ■ **AWARENESS MONTH (Gonzales, A., Conditt, M.)** To designate May as "Congenital Cytomegalovirus Awareness Month."  
Wednesday, May 10

## REFERRED

### Armed Services, Veterans Affairs & Homeland Security:

**HB 192** ■ **VETERAN COMMISSIONS (Miller, A., Anielski, M.)** To permit county veterans service commissions to elect to add two members to the commission, one who is a veteran who served in Operation Enduring Freedom or Operation Iraqi Freedom, or subsequently in those theaters of operation, and one who is a military spouse.

**HB 202** ■

**AWARENESS DAY (Thompson, A.)** To designate the first Saturday of May as "Veterans Suicide Awareness Day."

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**Criminal Justice:**

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**SB 1** ■

**DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

**SB 20** ■

**FELONY SENTENCES (Hackett, B.)** To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

**SB 33** ■

**LAW ENFORCEMENT DATA (Eklund, J.)** To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case.

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**Economic Development, Commerce & Labor:**

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**HB 193** ■

**FLU VACCINES (Hagan, C.)** To prohibit an employer from taking an adverse employment action against a person who has not been or will not be vaccinated against influenza.

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**Education & Career Readiness:**

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**HB 200** ■

**SCHOOL CHOICE (Koehler, K.)** To eliminate the Educational Choice Scholarship Pilot Program and Pilot Project Scholarship Program and to create the Opportunity Scholarship Program.

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## Federalism & Interstate Relations:

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- HB 201** ■ **CONCEALED WEAPONS** (Hood, R., Brinkman, T.) To allow a concealed handgun licensee to carry concealed all firearms other than dangerous ordnance or firearms prohibited by state or federal law; to repeal the requirement that a licensee stopped for a law enforcement purpose promptly inform an approaching officer if the licensee is carrying a firearm and provide for expungement of convictions based on a violation of the requirement; and to provide that a person age 21 or older and not prohibited by federal law from possessing or receiving a firearm does not need a concealed handgun license in order to carry a concealed firearm and is subject to the same laws regarding concealed firearm carrying as a licensee.
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## Financial Institutions, Housing & Urban Development:

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- HB 199** ■ **MORTGAGE LENDING** (Blessing, L.) To create the Ohio Residential Mortgage Lending Act for the purpose of regulating all non-depository lending secured by residential real estate and to limit the application of the current Mortgage Loan Law to unsecured loans and loans secured by other than residential real estate.
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## Government Accountability & Oversight:

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- SB 88** ■ **FISCAL EMERGENCIES** (Terhar, L.) To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision.
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- HB 198** ■ **LOTTERY PURCHASES** (Koehler, K.) To prohibit a lottery sales agent from accepting a credit card for the purchase of a lottery ticket.
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## Health:

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- HB 196** ■ **AWARENESS MONTH** (Lipps, S.) To designate October as "Ohio Chiropractic Awareness Month."

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## Higher Education & Workforce Development:

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**SB 3** ■ **WORKFORCE DEVELOPMENT** (Beagle, B., Balderson, T.) To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.

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## Insurance:

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**HB 197** ■ **EMT REIMBURSEMENTS** (Patton, T.) To provide for insurance reimbursement for EMT services in nonemergency situations.

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## State & Local Government:

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**SB 37** ■ **POLICE CHIEF TRAINING** (Hite, C.) To require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police.

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## Transportation & Public Safety:

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**SB 6** ■ **BRIDGE PROGRAM** (Hoagland, F.) To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.

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**HB 194** ■ **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards.

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**HB 195** ■ **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances.

## HOUSE SPEAKER'S APPOINTMENTS

Criminal Justice: Appoint Rep. Celebrezze as ranking member

## COMMITTEE HEARINGS

### Ways & Means

**HB 162** ■ **TAX CREDIT** (Smith, K., LaTourette, S.) To authorize a refundable income tax credit for individual investors in a sound recording production company equal to a portion of the company's costs for a recording production or recording infrastructure project in Ohio. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Sarah LaTourette (R-Chagrin Falls) and Rep. Kent Smith (D-Euclid) said their area of the state has seen substantial investment thanks to the existing film tax credit. They're now looking to duplicate that success with their proposed Ohio Sound Recording Investor Tax Credit.

"Given the obviously overwhelming success of the film tax credit and along with our history as the birthplace of Rock n' Roll, it just makes sense to extend that incentive to the music industry and embrace our heritage as musical innovators," Rep. LaTourette said.

The credit would cover up to 25% of music studio construction and recording infrastructure costs but production costs must exceed \$10,000 for the project in order to qualify. The total credit must not exceed \$75,000 and the total amount of credits would be capped at \$1 million per fiscal year, sponsors said.

Rep. Smith argued the credit could be a catalyst for other industries and reverse brain drain. And he cited a Cleveland State University study he said shows the credit would help not only the music industry but also the state's economy.

The sponsors included in their testimony a letter from Rock 'n' Roll Hall of Fame President and CEO Greg Harris supporting the bill.

But some committee members were skeptical of the measure, wondering if in the words of Rep. John Becker (R-Union Twp.) the bill would simply create a "welfare program for the recording industry."

Rep. Wes Goodman (R-Cardington) said he is "incredibly skeptical" taxpayers should subsidize the industry. "Why this industry and not some other industry?" he asked. "I guess I'm a little skeptical of using tax code to pick winners and losers."

To both representatives, sponsors replied that the program would likely make the state money in the long term. Rep. Smith said an analysis of a similar program in Louisiana determined that for every \$1 invested \$5.50 was returned to the state under the program.

Rep. LaTourette explained their rationale like this: "It's more of a real opportunity in a real innovative industry to get our foot in the door and make sure Ohio is where these studios end up. As for why we chose this industry it's because there's so much more potential there."

**Rep. Michael Henne** (R-Clayton) questioned if the bill will ensure it draws in new investment rather than subsidizing existing studios.

"I think we can," Rep. Smith replied. "I know musicians both in Detroit and Indianapolis watching this with the idea they can record in their own states or drive not necessarily far to record in Ohio."

Responding to further questions, sponsors said they would not be open to making the credit nonrefundable.

"Your skepticism is well placed and respected," Rep. Smith replied. "But I think we heard a lot of the same skepticism around the film credit and we've seen a real economic benefit."

**HB 173** **TAX CREDITS (LaTourette, S., Patton, T.)** To provide that compensation paid to certain home-based employees may be counted for purposes of an employer qualifying for and complying with the terms of a Job Creation Tax Credit. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. LaTourette said the bill is similar to its Senate companion bill (**SB 131**) in that it will treat work-from-home employees the same as traditional employees when a company applies for the existing Job Creation Tax Credit.

"Incenting taxpayers to create jobs for Ohio work-from-home employees will significantly benefit Ohio, its political subdivisions, Ohio businesses and Ohio residents while expanding the Ohio tax base," Rep. LaTourette said. "This legislation will also improve Ohio's competitiveness with surrounding states by recognizing the impact of work-from-home employees in this changed economy."

**Rep. Tom Patton** (R-Strongsville) said he's generally not a big fan of tax credits, but that in this case he believes there will be a direct economic benefit to Ohio.

"I think we need to take a real strong look at the technology we have today and the opportunity we have with the ability to expand jobs," he said, adding that it doesn't make sense for some small companies to pay for office space when they can use home-based workers.

**Rep. Doug Green** (R-Mt. Orab) requested more information on the comparison between home-based workers and traditional employees, which the sponsors said they will provide.

**Rep. Dan Ramos** (D-Lorain) questioned whether expanding the use of home-based workers would have an adverse impact on downtown economies since those workers aren't traveling to the job site. Could that equate, he wondered, to fewer customers for other neighboring businesses such as restaurants?

Rep. Patton replied that some of that disruption is already occurring with millennials who typically change jobs more frequently than past generations. "Again, what we're talking about now is specifically looking for the jobs that can easily be done at home," he said.

Responding to **Rep. Janine Boyd** (D-Cleveland Hts.), Rep. LaTourette said sponsors did not hold interested party meetings and that they don't believe the bill will be controversial since it does not create a new tax credit. But she added that she and Rep. Patton are open to feedback.

**Subscribers Note:** For full testimony see the committee's website under May 9.  
**Energy & Natural Resources**

**SB 2 ENVIRONMENTAL LAWS (Hite, C.)** To revise specified laws relating to environmental protection. (CONTINUED; 2nd Hearing-Proponent)

Barry Grisez, supervisor of solid waste and related programs at the Cuyahoga County Board of Health, said the bill's expansion of the description of construction and demolition debris facilities to include companies that process materials for potential recycling will allow the Ohio EPA and delegated authorities to keep up with changes in the industry.

"Because the language in ORC 3714 is specific to landfills only, the majority of these processing facilities are currently unregulated," he said. "Senate Bill 2 modifies ORC 3714 and grants the Ohio EPA the authority to create and implement regulations providing oversight of C&DD processing facilities statewide. This statutory update will include such requirements as pre-operational plan approval as well as standards for operating and maintaining the facility. Senate Bill 2 also ensures that the owner of the site is financially bound to the site."

He added that there are currently four processing facilities operating within the board's jurisdiction, and said recycling facilities can pop up almost overnight.

The witness told Chair Rep. Al Landis (R-Dover) that the bill would help the county address a situation where a new facility opened under the guise of a processor, but which is recycling only about 9-10% of the material, essentially making it a landfill. He said the facility had accumulated about 250,000-300,000 cubic yards of material which had been stored on a piece of land between eight and ten acres.

Mr. Griesz also told Rep. Kathleen Clyde (D-Kent) that he is comfortable the bill has enough guidelines to lead to a meaningful regulatory program under the rulemaking process.

Alan J. Olson, a professional engineer representing Westlake Science & Technology, said the bill strengthens the Ohio EPA's authority over public drinking water systems.

He said changes that allow for alternative types of financial assistance in place of an escrow account for a new water system or changes to an existing system offers more flexibility and makes sure engineering and construction are completed properly.

"Allowing the agency to order the use of financial assurance to complete or correct the construction should help ensure that issues are addressed in a timely manner," he said.

"Requiring public water systems to demonstrate the technical, managerial and financial capability of the system in an asset management program is sound oversight."

Mr. Olson added that lawmakers should consider requiring an updated asset management program when privately owned public water systems are sold or transferred. He encouraged the Ohio EPA to conduct more frequent unannounced inspections, especially of smaller systems that may not have sufficient staff to monitor operations and capital for maintenance and repair.

Responding to Chair Landis, the witness said increasing the frequency of unannounced inspections would prevent the likelihood of another Sebring-like water quality issue.

Chuck DeJonckheere, chair of the solid waste technical committee of the Ohio Environmental Health Association, said the bill would create financial assurance and



regulatory oversight over facilities that have focused on recycling construction and demolition debris.

"Many companies have worked to manage the recycling of these materials, and some have been able to do so properly, but unfortunately some have not," he said. "There have been cases in all regions of the state where materials have been stockpiled without being processed properly, which has resulted in public nuisance situations."

Mr. DeJonckheere also welcomed language that allows the use of existing solid waste funds to investigate sites used to dispose of solid waste and CDD and remediate situations where there is a major threat to the public.

**Rep. Scott Wiggam** (R-Wooster) asked for details on the funds to which the witness was referring. Mr. DeJonckheere said he was referencing Ohio EPA funds that are earmarked for related work and said the bill allows access to the funds for investigative purposes.

Mr. DeJonckheere told Rep. Clyde that having what is essentially a CDD site without engineering is a problem. He added that because local health officials don't have clear statutory authority to regulate, they are "bluffing a little bit" when it comes to seeking environmental protections.

Geoff Guss of McWane Ductile Ohio said the bill will help improve surface water quality and make sure those living near a failing water system will receive assistance from the Ohio EPA when it is necessary. He said the company is also pleased that the bill reclassifies slag, which is a byproduct of its manufacturing process.

John Rauch, director of the Ohio Rural Community Assistance Program at WSOS Community Action, testified in support, telling the panel that water systems in small communities often struggle with tight budgets, which can cause leaders to delay repairs and maintenance. Those delays, he said, can increase repair costs and generate higher charges for water customers.

"Asset management offers an opportunity for water systems to implement a better approach to managing their systems and maintaining the desired level of service for their customers," he said. "It can help to prolong the useful life of these critical assets and promote system sustainability. It encourages system owners to set aside funds for both normal repairs and maintenance and future capital costs, and to charge rates that are adequate to do so. It allows them to anticipate what will need to be done in the future and be prepared for it."

Alan R. Rosenfield, representing the League of Women Voters of Ohio, also backed the bill. He said one of the proposal's key focuses is on the Lake Erie Commission, but his group is concerned about likely high levels of turnover among commission members.

"Terms of the public members will expire with the enactment of SB2," he said. "Terms of the six directors will likely expire when a new administration takes office less than two years from now. To compound the turnover problem, initial terms of four of the five new public members will expire this year and next. Significant turnover of Commission membership impacts institutional memory, a poor management practice." Instead, he suggested that changes be made to have the new appointees serve longer terms.

Chair Landis said the points regarding institutional knowledge are well taken and will be taken under consideration.

Trent Dougherty, general counsel for the Ohio Environmental Council Action Fund, also lent support, saying the bill includes improvements to protections for state waterways, and those who rely on clean and accessible water. He said the group particularly supports language establishing a regulatory structure for C&DD processors; improving safety for drinking water; encouraging better use of dredge material in Lake Erie; adjusting the Lake Erie Commission's focus and boosting transparency for water quality professionals.

Mr. Dougherty also complimented the Ohio EPA for the process by which the bill was drafted, saying the agency brought many parties to the table to achieve common goals.

**Rep. Andy Thompson** (R-Marietta) questioned whether there was discussion about the use of the term "purposely" versus "knowingly" in terms of penalties against improperly disposing of dredge materials. Mr. Dougherty expressed confidence that the Ohio EPA would be able to properly enforce the law. He added, however, that it is the OEC's goal to get compliance with the law, rather than enforcement of a violation.

Rep. Thompson also asked whether discussions were held involving the use of alternative pipe materials. Mr. Dougherty said he didn't recall such a discussion, and added that the group wants to make that piping options don't contribute to drinking water problems.

Phil Kabealo said it is encouraging to see the bill move along in the legislative process, saying that Lake Erie's pollution problem has been a "disgrace" for many decades. He said, however, the bill gives the director of the Ohio EPA an important tool to improve the lake's condition. With the changes, he said the lake will be an asset for future generations, and can also be used for jobs and commerce.

Written supportive testimony was submitted by Brian Gresser, manager of water reclamation services at the City of Akron and president of the Association of Ohio Metropolitan Wastewater Agencies; Marty McGann, senior vice president for advocacy at the Greater Cleveland Partnership; Kevin Strang, executive director of the Ohio Rural Water Association; Tyler Convers of Ohio American Water Works Association; Rusty Orben of CSX Transportation; Diana Bickett of the Cuyahoga County Solid Waste District; Willia Ebersole of the National Waste and Recycling Association; Kathy Trent of Waste Management; Zachary Frymier of the Ohio Chamber of Commerce; Robert Brundett of the Ohio Manufacturers' Association; Jade Davis of the Port of Cleveland; Karl Gebhardt of the Lake Erie Commission and Tracy Freeman of The Nature Conservancy in Ohio.

### **Federalism & Interstate Relations**

#### **HB 93**

**TAX RETURNS (Clyde, K.)** To require a candidate for President or Vice-President of the United States to submit copies of the candidate's five most recent federal income tax returns for publication on the Secretary of State's official web site. **(CONTINUED; 1st Hearing-Sponsor)**

**Rep. Kathleen Clyde** (D-Kent) said her bill would enact the Tax Returns Uniformly Made Public Act, otherwise known as the TRUMP Act, by requiring all presidential and vice presidential candidates to disclose their five most recent years of tax returns to qualify for the Ohio ballot.

"Every major party presidential nominee since 1980 has disclosed their tax returns until this past election, when Republican nominee Donald Trump broke 40 years of precedent and refused to disclose his taxes," she said. "Without full disclosure of the president's tax returns,

we don't know who he owes money to. We don't know who has leverage over him. The TRUMP Act would be the surest way to protect the American public from presidential conflicts of interest and to answer questions about possible foreign influence and entanglement. This bill would bring transparency back to our elections and to make the president accountable to his bosses – the American people."

She said the bill gives would give candidates up to 90 days before the election to file tax returns with the Secretary of State's office, which would then have seven days to release the records to the public. A failure to file tax returns with the state, she said, would disqualify candidates from the ballot and prohibit them from receiving votes from Ohio electors.

**Rep. John Becker** (R-Union Twp.) asked Rep. Clyde if she would be willing to amend the legislation to make tax return disclosure a requirement for all elected offices in Ohio. She said she would be willing to discuss the issue further.

Rep. Becker also noted the bill is outside of the requirements to run for president as outlined in the U.S. Constitution.

Rep. Clyde said that other state-level requirements, such as filing fees and signature standards, have been upheld by the courts over the years.

"I think that it fits with other important requirements we have for ballot access," she said.

**Rep. Wes Goodman** (R-Cardington) called the release of tax returns by presidential candidates a "great tradition" and asked Rep. Clyde if she has made her own tax returns available online.

"I would certainly be willing to," she said.

Along that same line of thinking, **Rep. Derek Merrin** (R-Maumee) questioned Rep. Clyde on why she has not already done so in an effort to lead by example.

"I have nothing to hide. I certainly don't have the complicated investments in businesses and foreign entanglements," she said.

**HCR 4** **E-CHECK (Young, R.)** To urge Congress to amend the Federal Clean Air Act to eliminate the requirement to implement the E-Check Program, to urge the Administrator of USEPA to alleviate burdensome requirements of the E-Check Program and the Clean Air Act if Congress fails to act, and to encourage OEPA to explore alternatives to E-Check. (**CONTINUED**; 3rd Hearing-All testimony)

Zachary Frymier, director of energy and environmental policy at the Ohio Chamber of Commerce, testified as an interested party.

He said the chamber has supported the use of the E-Check program because it is a cost-effective way to meet federal air quality standards and helps avoid "damaging emission reductions" on Ohio businesses.

He said that the U.S. EPA in 2015 changed the definition of clean air, ignoring the state's progress toward improved air quality. He also argued that action from Congress is the best way to secure a balance between protecting the environment and growing the economy.

"While we certainly would like to see the new standards reversed, retaining the use of cost-effective compliance tools such as E-Check remains vital," Mr. Frymier said. "In the event that the state discontinues the use of E-Check while still having to comply with the 2015

standards, economic growth and the ability to create jobs would be threatened by increased environmental controls on the business sector."

**Subscribers note:** Full testimony is available on the [committee's website](#) under May 9.

## **State & Local Government**

**HB 121** **PIPE MATERIALS (Edwards, J.)** To require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project. (**CONTINUED**; 3rd Hearing-Opponent)

Beth Easterday, president of the American Council of Engineering Companies of Ohio, was the first of several witnesses to testify in person or in writing against the proposal. She said the bill was redundant since the issues are already addressed in administrative code.

"This bill requires a public authority to evaluate 'all' piping material on a state funded water/wastewater project. This is unrealistic, what is the definition of 'all' in this day and age of technological advances and what public client wants to pay a design engineer to evaluate every possible pipe material for their projects," she said.

"ACEC Ohio has met with both Representative Edwards and Senator Terhar - the sponsor of the Senate companion bill, **SB 95** - and requested that the design engineer be removed from the center of this bill. We have asked specifically that the word 'all' be removed in line 14 which states 'a public authority shall consider all piping materials...' and we have asked the bill end after the word 'project' in line 18. This would allow engineering specifications to be met but remove the reference of design engineer and continue to let the professional engineer follow the canons of serving the public with devotion, being honest and impartial and a faithful agent of the client."

"In our opinion, the legislation is redundant with current practice and licensure requirements of a professional engineer and therefore not needed," she concluded.

**Rep. Rick Perales** (R-Beavercreek) asked the witness to elaborate on the interaction with the sponsors. The witness said she has not seen any substitute version, but that there appeared to be some interest in the group's proposals.

**Rep. Janine Boyd** (D-Cleveland Hts.) asked about interested party meetings, and Ms. Easterday said her group would be happy to participate should there be any.

**Rep. Wes Goodman** (R-Cardington) asked the witness whether she supported policies that mandate the use of certain materials and prohibit others, or whether engineers should make the decisions.

"We do believe that the professional engineer is the best person to make those recommendations," Ms. Easterday said, adding that there are situations when engineers tell local authorities when there are better alternatives for a project.

**Rep. Rick Carfagna** (R-Westerville) asked about the practical purpose of having codified guidelines. ACEC's Steve Bergman responded that the legislation is "not very productive from our standpoint."

Mr. Bergman told **Rep. Steven Arndt** (R-Port Clinton) that what the lawmaker described as a prudent process for deciding on project materials was what occurs now in regular practice, therefore the legislation is unnecessary.

Rep. Perales stated that he thought "engineers would be excited" by the bill, as they would have more leeway in deciding the best materials for local projects.

Chairwoman **Rep. Marlene Anielski** (R-Walton Hills) suggested that the group reconnect with sponsors of the bill and get additional feedback on their suggestions.

Andrew Stone, city engineer and director of Public Works for the City of Athens, spoke in opposition on behalf of the Ohio Society of Professional Engineers.

"House Bill 121 was discussed at length during the March 2017 meeting of the OSPE Board of Directors. As a result of that discussion, the OSPE board accepted the recommendation of the Legislative and Government Affairs Committee and approved by unanimous vote a motion to oppose House Bill 121," he said.

Mr. Stone called the bill "very broad and vague," saying it "implies that public entities are biased. The bill also addresses a problem that doesn't exist."

"House Bill 121 would open public entities to challenges from materials manufacturers whose products aren't selected. If made law, House Bill 121 may adversely influence materials selection by threatening communities with the fear of lawsuits when communities should instead be focused on simply making the best decisions for their needs," he added.

He said the bill creates unnecessary concerns regarding the decision-making of professional engineers, would cost Ohioans more money and lead to a "slippery slope."

"When will the next materials manufacturer attempt to get the Ohio General Assembly to pass a law to benefit their industry?" he said.

Mr. Stone told the chair that Athens does not specify in code what materials are best for each project, rather it's the engineer's call. He said those decisions can depend on cost and urgency, among other factors, citing the use of PVC pipe for a cost-prohibitive project in 2010.

The witness told the chair that while he knows the sponsor, **Rep. Jay Edwards** (R-Nelsonville), he has not spoken to him about the proposal. "Do you need his cell phone number?" she asked.

Rep. Boyd asked if the witness believed that local councils are informed in making their own ordinances regarding such project guidelines. Mr. Stone said there is a "community commitment" to water and sewer projects and it's in the best interests of cities to choose the best products.

Rep. Perales asked if anything in bill requires cities to favor one material or another.

The witness said the phrase "shall consider" leads him to believe at some point he will have to defend his decision before a judge.

Rep. Goodman questioned whether it made sense to have statutory flexibility up front when deciding project materials. Mr. Stone said that as a city official he sees any law that restricts local government decisions is an "assault on home rule."

Responding to a question from Rep. Carfagna, the witness said most of the piping standards he follows in the city are aimed at private developers so their projects fit into the city's system.

Geoff Guss, a self-described 15-year waterworks professional, spoke as a representative of McWane Ductile, which also opposes the bill. Located in Coshocton, the company manufactures lead free ductile iron pipe used for water and wastewater applications.

"We oppose this bill because it needlessly meddles with the free market and seeks to remedy a problem that does not exist," he said. "There is nothing preventing any manufacturer from competing today, and we should keep it that way by opposing H.B. 121."

Rep. Goodman said there are 17 local communities that restrict certain projects to specific materials. "That to me seems like special treatment," he said.

Mr. Guss responded that the bill would eliminate a competitive step in the bidding process. Products are continuously reviewed by local communities, which are better situated to make such decisions, he said.

**Rep. Brian Hill** (R-Zanesville) used the analogy of deciding what tractor to buy when the least expensive alternative may not work the best for his needs.

Considering only 17 municipalities in the state have the guidelines targeted by the bill, he said he wasn't sure it was a good idea to be "telling them what they can and cannot do."

Rep. Goodman said those 17 include some of the state's largest cities, including Cleveland, Columbus, Dayton and Toledo. "Almost a third of Ohioans are affected by this," he said.

Mr. Guss echoed other opponents in arguing that the proposed law change would result in local officials having to defend their decisions in court.

Mr. Goodman said the bill is similar to federal law, which has not resulted in lawsuits.

While not able to comment on the federal law, Mr. Guss commented that the bill at hand had been proposed 17 times in 14 states but had never been enacted, so something must not be right about the legislation.

The witness also told Rep. Perales that the legislation would likely require cities to either take the cheapest pipe material option or defend their decision in the court of law.

An apparently exasperated Rep. Perales suggested the bill aims to "provide the best value for communities. "It's like we're talking over each other and I just don't get it," he said.

Kevin Strang, representing the Ohio Rural Water Association, said the bill could have a "devastating impact on water projects throughout Ohio.

"Current law allows water works professionals to evaluate and select the type of pipe they specify based on the needs of their individual communities. HB121 has the potential to jeopardize the decisions of the design engineer working on a project," he said. "Furthermore, this legislation threatens a community's ability to select a type of piping material that reflect the individual needs of that community. Additionally, HB121 would likely cause delays in water and wastewater projects and could lead to bid protests and costly litigation over pipe selection."

Rep. Perales questioned the "devastating impact" comment.

"Essentially you're bringing another entity into the process," Mr. Strang responded. By having outside pressure or the potential for litigation against the engineers they may end up going with the cheapest but not the best option.

Luther Liggett, representing the American Concrete Pipe Association, said the bill would apply to every single project in Ohio that receives state money and involves water, meaning it would mainly apply to Department of Transportation road projects and work at universities and other state facilities.

As an illustration of the problems it could cause, he pointed to a legal case that resulted in the city of Columbus paying \$1.5 million because plastic piping was improperly used on a project that subsequently failed.

Chris Ludle, deputy director of Public Service for the City of Akron, said in prepared testimony that he bill "incorrectly assumes that all pipe materials, communities and engineers are the same and that the absence of a material in a specification requires state government intervention."

"Similarly situated communities and engineers make different pipe material selections to reflect the unique needs and values of their community, and they should retain this ability," he said.

"Passage of H.B. 121 could potentially politicize and add unnecessary administrative costs to the procurement process by encouraging bids that include materials already rejected by engineers and/or local communities in their specifications. It would lead to a significant increase in bid protests and litigation over pipe selection on state-funded projects, thereby increasing costs, delaying projects, and subjecting engineers and communities to unnecessary expense."

Brad Cole, managing director of research for the County Commissioners Association of Ohio, provided written testimony in opposition to the bill, as did several other groups and individuals.

"Ohio law is not the place to establish engineering standards. Engineering standards should be established and selected by engineering and other technically minded utility professionals representing local government agencies," he wrote. "The operational efficiency associated with using specifications based on years of experience is not recognized by HB121 and would be jeopardized by the adoption of this legislation."

Mr. Cole also said the bill "creates liability for local governments by creating an additional opportunity for disgruntled vendors to sue local governments based on noncompliance with the provisions of HB121. CCAO does not want to provide new opportunities for vendors to sue county governments on the basis of engineering standards built into Ohio law."

Ohio Municipal League's Josh Brown raised similar concerns in written testimony, saying that "governance of local issues is best left to local leaders."

"Municipal water utility bidding is a wholly local government issue, the dynamics of which vary dramatically from one community to the next and the effects of which are isolated to the individual municipality that chooses what kind of pipe to use," he wrote.

**HB 122**

**ECONOMIC DEVELOPMENT (Hambley, S., Rogers, J.)** To establish a Regional Economic Development Alliance Study Committee to study the benefits and challenges involved in creating regional economic development alliances. (REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)

**HB 134**

**SCHOOL GRANTS (Hambley, S., Kick, D.)** To allow community improvements board grants to a school district to be spent for permanent improvements outside the county so long as the improvements are within the school district. (CONTINUED; 2nd Hearing-All testimony)

Chris Clark, superintendent of Black River Local Schools, testified in support.

"The Black River Local Schools have been able to utilize funds secured by the Medina County Community Improvement Board to purchase school busses, curriculum series and materials, and computer technology," he said. "This has certainly helped in solving some of the financial issues within our district. These funds have amounted to approximately \$259,000."

"However, we are restricted in using our Improvement Board funds. Since our buildings do not sit within the Medina County line, we are unable use any of these funds for permanent or capital improvements that our district desperately needs to address. Currently, our district has no permanent improvement levy in operation."

"Having the opportunity to utilize these funds should help take some burden off of our current district budge," Mr. Clark said. "Support of this bill does not result in an increase in taxes received by the district from the current Community Improvement Board. It will merely allow us more flexibility with those funds, providing an opportunity to make repairs without going back to our taxpayers."

Karen O'Hare, superintendent of Norwayne Local School District in Wayne and Medina counties, and William J. Koran, superintendent of the Educational Service Center of Medina County, submitted written statements in support of the measure. Mr. Koran said he was representing the views of several other local officials.

**HB 135**      **DAY DESIGNATION (Patmon, B.)** To designate June 12th as "Superman Day." (CONTINUED; 2nd Hearing-All testimony)

Ohio native and Cleveland resident David Deming, a sculptor creating a monument for downtown Cleveland, offered support. He said the monument will be called the Siegel and Shuster Tribute Plaza. It will feature "a larger than life flying stainless steel figure of Superman and life size bronzes of Jerry Siegel, Joe Shuster and Joanne Siegel, Jerry's wife who was a model for the Lois Lane character," he said.

"The story of the creation of the Superman Legend by Jerry Siegel and Joe Shuster is also a story about two young high school kids from Glenville who against almost all odds were determined to make this character and story about our first super hero to not only come to life but to become the most important icon of the comic and movie industries not just in America but across the entire world," he said. "Together they provided us all with a fitting symbol of the goodness of spirit of our nation and its people."

Mike Olszewski, president, of the Siegel And Shuster Society, stated, "Declaration of an annual "Superman Day" in Ohio would add to the prestige the state can claim in laying the groundwork for a new genre of entertainment, and a billion dollar industry."

"The Siegel and Shuster Society applauds the efforts for a 'Superman Day' in Ohio, and strongly urges the passage of the measure to honor the place where an internationally renowned legend first soared to greater heights," he added.

The Cleveland Public Library and Mike Curtis, a donor of the library's Superman Museum, submitted written statements of support.

**HB 139**      **PUBLIC DISCLOSURE (Perales, R., Keller, C.)** To eliminate the public disclosure exemption for any permanently retained record 100 years after the date of its creation. (CONTINUED; 2nd Hearing-All testimony)



Brenda Ransom, Wood County records manager and Chair of the Ohio County Archivists and Records Managers Association, said her county has used historical records permitted to be made public by the probate court to run award-winning museum exhibits about the history of mental illness and treatments for it.

"Unfortunately, there is great variance from County to County regarding whether such records should be made public for any reason. That the records are historical are not questioned, but whether or not that historical value should be made available is unclear to many," she said in prepared testimony. "House Bill 139 would address this and provide the people of Ohio an opportunity to come to a greater understanding of the shared experiences of generations past and present."

Galen Wilson, who works for the National Archives and Records Administration's Office and is a former member of Ohio Historical Records Advisory Board, also shared stories of family members who were happy to be able to make family tree connections through records. Adoption and lunacy records are most often kept from public viewing, likely out of concern for privacy, he said.

"Continued closure of records past an actual right to privacy...smacks of misguided paternalism. Somebody might be embarrassed, even a century later, so best to just not let anybody see them. We will protect you from yourself. Never mind the people saved from potential 'embarrassment' are the very researchers who want to see them," Mr. Wilson said.

Robin Heise, records manager and archivist for the Green County Records Center and Archives, also supported the bill, saying the records that would be made more easily available could have societal, historical and personal benefits.

All the witnesses told the committee there isn't a type of public record they believe should stay sealed beyond 100 years.

**HB 168** **CEMETERY REGISTRATION (Stein, D.)** To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation.  
(CONTINUED; 1st Hearing-Sponsor)

The bill was initiated by the Ohio Department of Commerce's Division of Real Estate and Professional Licensing, **Rep. Dick Stein** (R-Norwalk) said. It worked with municipalities on plans to modernize laws and create a grant program for not-for-profit cemeteries.

"Beyond establishing a grant program, HB168 updates cemetery registration language to reflect current practices," he said. It allows cemetery trust funds to be bonded or insured with an appropriate policy, and allows trustees to invest funds pursuant to the Ohio Prudent Investor Act."

"The goal of House Bill 168 is to provide an additional funding stream and provide needed assistance for the care and maintenance of public cemeteries, as this important responsibility is mandated by law," the sponsor said.

There are number of cemeteries that could benefit from the bill, including 935 that are represented by the members on the committee, he said.

Responding to a question from Rep. Hill, the sponsor said townships sometimes have to take on the maintenance of family cemeteries but the grants would be limited to such nonprofit groups.

**HB 169** **HEALTH INSURANCE (Merrin, D.)** To require, with respect to insurance contracted for or provided by the Department of Administrative Services, an individual who is not covered by a collective bargaining agreement to pay the same percentage of the premium for vision, dental, or life insurance as the individual pays for health insurance. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Derrick Merrin (R-Maumee) said the bill would impact 13,000 exempt state employees who aren't currently paying premiums for vision, dental or life insurance.

By requiring those employees to pay the same percentage for those insurances as they pay for health insurance - which is 15% - the state could save \$2.6 million annually, he said. Savings could be greater if individuals decline the coverage because it will no longer be free. The bill also directs the state to seek the same deal when negotiating collective bargaining agreements that cover about 35,900 unionized state employees, Rep. Merrin said. That could result in a \$4.7 million savings annually.

"State employees already receive a great bargain by paying only 15% for their medical insurance premium. At the very least, state employees should pay 15% for their dental, vision, and basic life insurance benefits. Many private-sector employees are not offered dental and vision benefits - let alone absolutely free," he said.

The change would cost an exempt state employee receiving single coverage about \$5.13 for dental and \$1.51 for vision coverage monthly, he estimated. An exempt state employee receiving family coverage would pay \$14.88 for dental and \$4.14 for vision monthly. State employees would pay less than two cents per \$1,000 of coverage for basic life insurance, Rep. Merrin said.

"It is time for state employees' free ride to end," he said. "As many Ohioans struggle to pay for basic medical insurance coverage, they should not have to fully pay the entire premium for state employees dental, vision, and basic life insurance benefits."

**Rep. Mike Ashford** (D-Toledo) asked about the impact the economy has had on state employee raises.

The sponsor said his focus is on state workers receiving benefits that aren't offered in the private sector.

Rep. Goodman noted the bill would apply to lawmakers as well - a comment welcomed by the sponsor.

"I didn't come to Columbus to get a free ride from anyone," Rep. Merrin said.

**HB 69** **TIF DISTRICTS (Cupp, R.)** To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. **(REPORTED-AMENDED; 6th Hearing-All testimony-Possible amendments & vote)**

**Rep. Steve Hambley** (R-Brunswick) amended the bill with grandfathering language that he said specifies the bill does not impact pre-existing TIF agreements.

**Subscribers Note:** For full testimony see the [committee's website](#) under May 9.

## **Criminal Justice**

**HB 125**      **COURT JURISDICTIONS (Craig, H., Seitz, B.)** To specify the jurisdiction of municipal and county courts over municipal traffic ordinances and to establish requirements governing fines, fees, or other charges for traffic violations and infractions imposed by a municipal corporation that does not have the authority to establish a mayor's court. (CONTINUED; 2nd Hearing-Proponent-Possible amendments)

Franklin County Municipal Clerk of Courts Lori Tyack said that when the legislature abolished mayor's courts for villages with population of less than 200, more than 500 cases were transferred to Franklin County Municipal Court from the village of Brice.

"Most of which were incomplete with improperly documented payments - some were even recorded on post it notes with no formal accounting system. Originally, these files were to be transferred within a few months, but they trickled in until the end of 2013," she said.

Ms. Tyack said that once the village began to issue civil citations, she compared costs for traffic offenses and found that not only did Brice charge "exorbitant" costs, there was not ability to appeal.

"This legislation is smart and timely as it limits the maximum fines and costs that can be assessed using the schedule of fines and costs established by local municipal and county courts in Ohio. It also preserves the defendant's right to due process and to appeal," she said.

David Wells, pastor of Brice United Methodist Church in the Brice, told the panel in written testimony he was pulled over in the village in 2015 and was issued a civil citation for \$250 for driving with an expired license.

He later learned the typical fine for driving without a license is \$120 and took his case to Franklin County Municipal Court where all charges were dropped after he agreed to pay court costs.

"My purpose in sharing this experience with the Brice police is to voice my greater concern for those who live and work on the southeast side of Franklin County. I served ten years as a pastor to the greater far east side community and I am keenly aware of the Brice village's reputation as a speed trap," he said.

"However, my experience on July 9, 2015 confirmed for me that Brice has moved beyond the excessive practice of citing drivers for visible traffic violations. There is now an additional practice of using cyber technology for the purpose of obtaining incriminating information, as well."

**HB 137**      **CHILD ABUSE REPORTING (Kent, B.)** To make municipal and county peace officers mandatory reporters of child abuse or neglect. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring **Rep. Bernadine Kent** (D-Columbus) said Ohio is the only state not to classify law enforcement officers as mandatory reporters.

"Officers in Ohio have the opportunity to interact with children in any number of situations. There is an officer present in nearly every Ohio high school and library. In 2015 Ohio officers

were called to homes, on domestic violence runs alone, 72,899 times. Many of those times, children were present," she said.

Rep. Kent said she introduced the legislation after advocating on behalf of a family in which five young children lived in a home where police frequently responded to domestic violence calls but failed to contact child protective services despite reasonable cause to suspect the children may be in danger.

"Currently, the law only requires county and municipal peace officers notify a child protective agency upon receipt of a child abuse report," she said. "However, making peace officers mandated reporters when they see or suspect abuse and neglect will enable officers to report these early warning signals to social service agencies, so the agencies can act before too much harm is inflicted."

**HB 141**

**INVOLUNTARY MANSLAUGHTER (Dever, J., Wiggam, S.)** To provide that causing or contributing to the death of another person as a result of the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and to make this offense a strict liability offense.  
(CONTINUED; 1st Hearing-Sponsor)

The legislation, sponsoring **Rep. Scott Wiggam** (R-Wooster) said, will allow drug dealers to be held accountable for the deaths they cause.

"Current law hinders prosecutors from charging these dealers with involuntary manslaughter.

The drug dealer simply has to state they sold to their victim before, and they did not pass away. Currently, this is a solid defense under current Ohio law," he said.

The legislation would provide judges wide latitude at sentencing, allowing for a prison term of between one and 20 years, a maximum fine of \$10,000 or a community control sanction if certain conditions are met.

"This legislation enables all branches of government to hold those responsible who sell this poison to our families," he said.

**HB 38**

**AGGRAVATED MURDER (Greenspan, D.)** To provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve the prison term imposed for felonious assault on a peace officer, investigator, first responder, or military member consecutively to the prison term imposed for any related offense.  
(CONTINUED (See separate story); 4th Hearing-All testimony-Possible vote)

**HB 81**

**DEATH PENALTY (Seitz, B., Antonio, N.)** To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.  
(CONTINUED (See separate story); 2nd Hearing-Proponent)

**HB 92**

**PUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender. **(CONTINUED; 2nd Hearing-Proponent)**

Baltimore Chief of Police Michael Tussey said over the years expositors have been painted as "harmless buffoons."

"I will tell you that nothing is further from the truth. These criminals have no regard as to the damage that they do to their victims or victims' families. As to being harmless, a serial exposer that my officers arrested and prosecuted for exposing to school busses full of elementary-age students returned to our town after release," he said.

"Our police department had no warning or notification that this person was back in our area until he reoffended. This offender had a long history of offending with children. He had numerous arrests and even his ex-wife related that his exposing to children and his inability or desire to stop is the reason she had divorced him."

Under the legislation, offenders would be required to be placed on the Sexual Offender Registry Network under Tier 1 status.

"This means the offender must register their residential address, place of employment or enrollment in a school or place of higher education with the county sheriff at least once annually, or provide an update if they make any changes to these items," he said. "I want to make it very clear that law enforcement wants and desires that this law narrowly focuses on cases where the intended victim is a juvenile."

**Subscribers note:** Full testimony is available on the [committee's website](#) under May 9.

**Education & Career Readiness**

**HB 154**

**COMMERCIAL DRIVER STUDENTS (Smith, R., Manning, N.)** To establish the Commercial Truck Driver Student Aid program and to make an appropriation. **(CONTINUED; 1st Hearing-Sponsor)**

Rep Nathan Manning (R-N. Ridgeville) said in addition to the jobs currently available in the trucking industry, more than 18,000 new jobs will be created by 2024 according to Ohio Job and Family Services data. The country is projected to have 800,000 unfilled jobs in the industry by 2027 as a result of retirements.

"With the need for qualified workers, the intent of this legislation is to create a dual scholarship and loan program which requires enrollees to have a stake in the process while giving individuals with lower means the ability to participate," he said.

"There is a screening process which would require applicants to be able to qualify for an Ohio Commercial Driver's License and typical employment with a commercial transportation company by evaluating their driving record, a drug test, and an Ohio residency requirement."

**Rep. Ryan Smith** (R-Bidwell) said the commercial truck driver program created in the bill "has the ability to boost growth in this critical job sector across the state, in rural, urban and suburban communities alike."

Although the costs of certification in the commercial trucking sector are relatively low compared to the cost of university degrees, he said the assistance program is meant to help middle and working class individuals attain a job that doesn't require them to go into debt.

Rep. Smith also urged the committee to report the bill quickly.

"There is currently high demand for qualified workers in this industry with more expected to come in the future," he said. "It's very important for us to pass this legislation in a timely manner so we can support the workers and industry connected to this field."

**Rep. Michael Henne** (R-Clayton) questioned the need for the bill, saying that trucking companies often won't hire individuals younger than 21 because of insurance costs.

Rep. Smith said the concern wasn't one voiced by the industry, which indicated there is a need for additional qualified drivers.

Responding to a question from **Rep. Dan Ramos** (D-Lorain), Rep. Smith said the bill has been in the works since last fall, so more consideration will have to be given now to whether \$5 million will become available to cover the loan and grant program.

Answering additional committee questions, the sponsors said the industry believes it has the capacity to take on more students for CDL training, which takes about 12-16 weeks.

**HB 170** **COMPUTER SCIENCE** (**Carfagna, R., Duffey, M.**) With regard to academic content standards and curriculum requirements for computer science; to revise educator qualifications regarding computer science; to create a competitive technology grant program for the 2018-2019 school year; and to make an appropriation. (**CONTINUED**; 1st Hearing-Sponsor)

**Rep. Rick Carfagna** (R-Westerville) said the bill provides "an opportunity for the legislature to empower our local districts toward ensuring that Ohio's students are ready for the challenges of the modern world."

"As we all know, science and technology are subjects that are more important now than ever, and their applications can be felt across nearly every sector of our economy. This bill will bring computer science to the forefront, and will begin the discussion as to how to prepare our future generations to be leaders in science and technology."

He stressed that the bill is permissive and that no districts are required to implement computer science academic content standards.

Those that do will be eligible for dollars made available through a \$2.5 million technology grant program in Fiscal Year 2019.

Grants will be competitive and provided to those districts with the greatest need, the sponsors said.

"For students, House Bill 170 provides for credit flexibility for a student to use computer science as a math or science unit under the current course graduation requirements," Rep. Carfagna said. "A student could also use computer science to fulfill a technology elective. Plus, the bill allows a student to apply computer science to satisfy a math or science unit, depending on the student's need."

**Rep. Mike Duffey** (R-Worthington) said a handful of other states have already moved to create computer science standards that schools can adopt.

"Science and technology are the key to replacing Ohio's traditional low-skill high-wage workforce jobs that no longer exist," he said in prepared testimony. "Computer science does not require a college degree. It can be supplemented with one, but just as easily, it can essentially become a skilled trade through website development, coding work or other applied computer science occupations."

The joint sponsors said a substitute bill that addresses feedback received since introduction is forthcoming.

Rep. Ramos, **Rep. Kyle Koehler** (R-Springfield) and Rep. John Patterson (R-Jefferson) raised concerns about allowing students to replace math courses with computer science courses.

"In order to go almost anywhere in computer programming, you do need something a little bit beyond arithmetic, frankly beyond algebra," said Rep. Ramos, who studied computer science in college.

Because the bill is permissive, districts can choose to implement computer science courses but not allow them to be substitute for other classes, Rep. Duffey said.

**Rep. Catherine Ingram** (D-Cincinnati) questioned if schools need more technology and whether grant dollars would be best spent on professional development. Rep. Carfagna said the grant money could be spent to train teachers in computer science.

Katie Hendrickson, state policy and advocacy manager at Code.org, a 501c3 nonprofit dedicated to increasing computer science in K-12, said professional development is key to expanding the curriculum.

"One of the biggest issues currently facing expansion of CS education is a lack of qualified teachers, and unclear policy related to teacher certification in CS," she said. "Due to increasing demand for CS courses, we need to be able to scale the teaching force in CS to meet the demand for these courses, while also making sure that these teachers are adequately prepared to teach computer science."

Code.org has partnered with three individuals and one organization to provide professional learning in computer science fundamentals to Ohio teachers, Ms. Hendrickson said.

By the start of the next school year, more than 130 high school teachers, 25 middle school teachers, and 2,000 elementary school teachers will have been trained by Code.org to teach computer science.

Sarah Silverman, an educational psychologist and consultant, is one of the code.org partners.

"Early access to fundamental computer science skills can be a game-changer for students both in terms of inspiring interest in computer science education and in giving students alternative routes to core academic skills," she said.

Ohio currently has 15,714 open computing jobs and the average salary for the occupation is \$79,972 - both are higher than the statewide average in other industries, Ms. Silverman said. However, just half of schools offer computer science courses.

TechCorps National Director Lisa Chambers said computer science courses are beneficial regardless of a student's future occupation.

"We believe studying Computer Science...provides the critical computational thinking, knowledge and practices necessary to be ready for college or career," she said. "We have observed first-hand how access to high-quality Computer Science learning puts students in the role of actively creating and designing with technology - not just passively using it and consuming it."

She agreed with committee members who said they wouldn't feel comfortable substituting computer science for math courses.

"We know we can get them excited about (computer science), but if they don't have that math foundation they need they're going to hit a wall," Ms. Chamber said.

The committee also received written proponent testimony from College Board, Battelle Memorial Institute and the national Code.org office.

**HB 47** **EXTRACURRICULAR ACTIVITIES (Boccieri, J.)** To enact the "Students to Soldiers Support Act (S3A)" regarding the participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges. **(CONTINUED; 2nd Hearing-Proponent)**

Doug Brown with Sons of AMVETS said that as a former coach, he understands attendance requirements for students participating in sports. However, he said military service should be an exception.

"I understand that this does not give the entitlement to start and play in a sport, but to dress and participate as a team member should be allowed," he said. "People that sign up for military service sign a blank check payable up to their life, they should not be denied a chance to be with their teammates or colleagues in school during this tenure or transition period."

David Strittmathers, also with Sons of AMVETS, said he's met with many students who feel they have to give up "normal" high school activities when they choose to prepare early for military service.

He told Rep. Henne that there is currently a lack of awareness about what's required of such students.

Frank Williams, state inspector and legislative director for the Disabled American Veterans, Department of Ohio, shared the story of a West Branch High Schools student who was benched by her basketball coach after missing practice to complete military training.

He said it's important that the state set parameters to ensure that no high school or college students are unable to participate in the same activities as other students because they're involved with the military.

The aforementioned student's father, Phillip Papic, wrote to the committee to explain that coaches made an example of his daughter when she was required to miss practices for mandatory military training.

The committee also received written testimony in support of the bill from the Ohio School Boards Association, Ohio Association of School Business Officials, Buckeye Association of School Administrators, Veterans Service Officers/Ohio State Association of County Veterans Service Commissioners, and the VFW Department of Ohio.

**Economic Development, Commerce & Labor**

**HB 163** **PREVAILING WAGE (Roegner, K., Riedel, C.)** To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**



**HB 2** **CIVIL RIGHTS LAWS (Seitz, B.)** To modify Ohio civil rights laws related to employment. (REPORTED-SUBSTITUTE (See separate story); 6th Hearing-All testimony-Possible substitute & vote)

**HB 42** **UNSAFE TIRES (Sprague, R., DeVitis, T.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (REPORTED-AMENDED; 5th Hearing-All testimony-Possible vote)

The committee adopted an amendment from **Rep. Brigid Kelly** (D-Cincinnati) to push the bill's effective date back to July 1, 2018, and tabled an amendment from **Rep. Alicia Reece** (D-Cincinnati) that would have installed a price cap for consumers.

The committee then voted to report the bill, with Rep. Reece joining Republicans Reps. Tom Brinkman, Bill Dean, and Ron Hood voting in opposition. Rep. Reece argued the bill "falls short because we're not protecting the consumer from the potential of raising prices."

Before the bill's passage, Buckeye Institute Research Fellow Greg Lawson, speaking as an interested party, questioned the need for the bill. He said the Consumer Sales Practices Act is already on the books in Ohio and that administrative code also amplifies the state's existing unsafe tire law.

"I'm not exactly sure this bill adds a lot of stuff to what we already have," he said. "We're always a little reticent to add extra layers (to existing code)."

Responding to Rep. Hood, Mr. Lawson said it's possible the bill could increase the costs of new tires. "I'm not actually sure one way or the other whether this bill is actually harmful," Mr. Lawson added. "I'm just not sure it's overly helpful either."

Ed Barker, owner of Barker's Towing/Recovery and Tire, in written testimony shared his opposition to the measure. He said the sales of used tires have been the biggest part of his family's income during the last three decades. The majority of those tires come from impounded or wrecked cars that aren't picked up from police impound lots, he said.

"We have worked hard for many years to build our business and this bill would devastate our income and the future of our business," Mr. Barker wrote.

**HB 77** **CHILD CARE CENTERS (Retherford, W.)** To provide for the licensure of sick-child care centers. (CONTINUED-SUBSTITUTE; 1st Hearing-Sponsor)

The committee adopted a substitute bill prepared by the Legislative Service Commission to correct errors in the bill attributed to a software glitch.

**Rep. Wes Retherford** (R-Hamilton) said the bill will permit the Department of Job and Family Services to issue licenses for privately funded "sick-child care centers."

"A 'sick-child care center' would be defined as a place that provides child care, including administering to the needs of school-age children during school hours, for children with short-term illnesses or other medical conditions on a temporary, irregular basis," the sponsor said. Information required to apply for a license would include a site plan proposal, the maximum number of children able to be served, the number of adults providing care, and any other information the ODJFS director deems necessary.

"To ensure the maximum health and safety for those who will be hosted by the center, the legislation would require a physician as a medical director, certified nurse practitioner, registered nurse or a licensed practical nurse on the premises whenever children are in care, on the premises as well," Rep. Retherford continued. "Also, the maximum number of

preschool-age children or school-age children receiving care per staff member would be four to one."

He said the bill was prompted by a person who attempted to open such a center only to be deterred once it was determined there was no proper licensure process. He also stressed that the bill would apply to privately-funded, for-profit centers, but added he is open to amending the bill to permit nonprofit centers.

**Subscribers Note:** For full testimony see the [committee's website](#) under May 9.

#### **Public Utilities**

#### **HB 178**

**NUCLEAR ENERGY (DeVitis, T.)** Regarding the zero-emissions nuclear resource program. (CONTINUED (See separate story); 2nd Hearing-Proponent & opponent)

**Subscribers Note:** For full testimony see the [committee's website](#) under May 9.

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## Senate Activity for Tuesday, May 9, 2017

### INTRODUCED

**SB 146**  **ROAD NAMING** (Yuko, K.) To designate a portion of I-90 in Euclid as the "Army Specialist 4 Lawrence George Stapleton Memorial Highway." En. 5534.601

**SB 147**  **RURAL JOBS** (Hite, C.) To enact the "Ohio Rural Jobs Act" which authorizes a nonrefundable tax credit for insurance companies that invest in rural business growth funds, which are certified to provide capital to rural and agricultural businesses. Am. 5725.98 and 5729.98 and to enact sections 122.15, 122.151, 122.152, 122.153, and 122.154


**SB 148**  **ACCIDENT REPORTS** (Kunze, S., Huffman, M.) To require an accident report to indicate whether any person involved in the accident wishes to be contacted for commercial solicitation purposes, to prohibit any person from using the information contained in an accident report for those purposes with regard to a person who did not agree to be contacted, and to allow a person to submit emergency contact information upon vehicle registration for inclusion in the next of kin database. Am. 4501.81 and 5502.11

### SENATE PRESIDENT'S APPOINTMENTS

Workers' Compensation Board Nominating Committee: Kurt Kaufman

### COMMITTEE HEARINGS

#### Judiciary

**SB 4**  **HUMAN TRAFFICKING** (Kunze, S., Oelslager, S.) To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of

conviction for persons charged with committing an offense while a victim of compelling prostitution. (**REPORTED-AMENDED (See separate story);**  
4th Hearing-All testimony-Possible amendments & vote)

**Subscriber's note:** Full testimony is available on the committee's website under May 9.

**Finance: General Government & Agency Review Sub.**

The committee heard testimony from the Inspector General, State Treasurer and Ohio Elections Commission, as well as public testimony.

**Inspector General:** Randall Meyer said his office has worked to find efficiencies and reduce costs over the past six years, and that it now has a staff of 15. (**Redbook**)

"We were in the process of hiring an additional investigator, but due to the budget uncertainty and the 1.5% cut our office received in the House version of the budget bill, we have held off on filling this position," he said.

**Sen. Sean O'Brien** (D-Hubbard) asked how much the reduced staffing has affected the length of investigations. Mr. Meyer said the average case now takes about 180 days longer, with each investigator handling about eight to 10 cases.

Sen. O'Brien also asked about a provision added in the House version of the budget bill (**HB 49**) that extends the IG's term to 2021.

The intent, Mr. Meyer said, was to depoliticize the office by ensuring the IG wouldn't be appointed along with the cabinet and other offices after a gubernatorial election.

"My goal was to never have an election cycle followed by the appointment of the inspector general," he said.

The change will allow the IG's term to run for four years from the midpoints of the governor's term.

**State Treasurer:** Deputy Treasurer Seth Metcalf testified on the budget request, for \$54.28 million in Fiscal Year 2018 and \$31.03 million in FY 2019, although actual treasurer's office expenses total \$16.06 million each year, with the rest for other programs, he said.

(**Redbook**)

One change made by the House reduced the line item for promoting STABLE accounts from \$250,000 to \$100,000 per year.

"In our opinion, it seems like a sensible reduction given the current budget situation," Mr. Metcalf said.

Sen. O'Brien asked about the \$2 million in advertising spending in the STABLE program that Democrats have criticized for not going through the Controlling Board. A budget amendment added by the House would require similar expenses in the future to get Controlling Board approval.

Mr. Metcalf said the treasurer's office supports the amendment and followed the rules in paying for the advertising, as it was paid for in increments smaller than \$50,000. He also defended the advertisements, saying promotion was essential to create a strong program. "I think Ohio has seen the benefit of this awareness campaign," he said. "We have the most STABLE accounts of any state in the country."

**Elections Commission:** Executive Director Philip Richter said the commission's caseload and profile have been reduced over the past few years because of a federal court decision

eliminating the review of truth in political advertising, but that it continues to deal with campaign finance issues. **(Redbook)**

**Sen. Frank LaRose** (R-Copley) asked if the outstanding fines that have not been collected would allow the commission to subsist solely on fees and fines, and if there were ways to improve the collection of that money.

Mr. Richter said the commission currently has to work with the attorney general to collect fines that aren't paid, and many fines are uncollectible as campaign committees fulfill their purposes and are left with little money.

"The problem is in my opinion the commission would benefit from more enforcement authority in terms of declaring committees terminated or going out to get funds," he said.

"Our authority to do anything is limited to sending out notices."

**Public Testimony:** David Gilbert, president of the Greater Cleveland Sports Commission, and Linda Logan, executive director of the Greater Columbus Sports Commission, urged the subcommittee to fund a program that provides money to sports commissions for certain major events based on the state sales tax collected as a result of them.

They asked that the program, housed in the Development Services Agency, be funded at \$450,000 in FY 2018 and \$150,000 at FY 2019.

**Sen. John Eklund** (R-Chardon) asked how the biennial budget cycles affect planning for major sporting events, which are often scheduled four or five years in advance.

Mr. Gilbert said some states have sustained sources of funding, such as the sale of certain license plates in Florida or special tax districts in Texas. Just knowing some state funding will be there, he said, will help leverage private investment, which makes up the bulk of the fundraising.

"It's our boards and the private sector that take on the lion's share," he said. "The state funding will leverage a lot of private funding."

#### **Finance: Higher Education Sub.**

The committee heard testimony from a number of different agencies on their requests in the budget bill (**HB 49**).

**Supreme Court:** Administrative Director Michael Buenger highlighted the changing role of the courts and the effect of the opioid crisis in outlining the court's budget priorities. He said the budget remains largely unchanged from the current biennium's budget, with no major changes or requests. **(Redbook)**

**Sen. Sandra Williams** (D-Cleveland) asked if he believed the money allocated in the House version of the budget to fighting the drug problem will be enough.

Mr. Buenger said the issue is the most intractable one he's seen in criminal justice in 25 years.

"Particularly in rural areas, the lack of treatment availability is a major concern," he said.

**Court of Claims:** Clerk Mark Reed asked the Senate to restore funding that was cut by the House. The executive budget recommended increases of 5.1% in Fiscal Year 2018 and 8.3% in FY 2019, which were cut. He urged the Senate to bring back increases of 3.7% in FY 2018 and 7.4% in FY 2019. **(Redbook)**

Mr. Reed cited judicial salary increases, new public records legislation and increasing employee benefits as drivers of costs.

"When we request an increase from the committee based on those factors, please keep in mind that the increase still does not bring us to the level of funding we had in 2011," he said.

**Adjutant General:** Maj. Gen. Mark Bartman said federal funding makes up a large portion of the office's budget, and cuts to state funding would limit the amount of federal money it could draw down. (Redbook)

**Sen. Cecil Thomas** (D-Cincinnati) asked if the state was reimbursed when National Guard forces were sent to other states to assist. Maj. Gen. Bartman said they are reimbursed by those states through the Emergency Management Assistance Compact.

After Maj. Gen. Bartman cited cybersecurity and the development of a cyber range as a priority, Sen. Williams asked if the guard was prepared for cyberattacks that would bring down all of the state's systems.

Maj. Gen. Bartman said it's a serious issue of concern at the state and federal level, and something the guard is constantly working on.

**State Library of Ohio:** State Librarian Beverly Cain said the executive budget recommended flat funding of about \$5.9 million per fiscal year. The House version, however, cut that to about \$5.1 million per year. (Redbook)

"Reductions of this magnitude would be devastating to the State Library and to the Regional Library Systems, which provide direct services and support to public and school libraries across the state," she said.

She asked that funding be restored to the level proposed in the executive budget, minus 1.5% to align with the across-the-board cuts proposed by the House.

**Workforce Transformation Office:** Director Ryan Burgess detailed proposals in the budget related to workforce development, including policies aimed at increasing access students have to work experience.

Other proposals included positioning libraries as "continuous learning centers," schools providing an OhioMeansJobs-ready designation to students who demonstrate job readiness, awarding college credit for pre-apprenticeship training, and prioritizing shorter-term certificates for adult learners.

He also discussed two proposals that were removed by the House: the addition to local school boards of non-voting members representing businesses, and a requirement that teachers conduct on-site visits with businesses as part of their professional development.

"Each proposal aims to better unite the business and education communities to develop proactive and in-demand education and training programs that will create a culture of continuous learning and prepare Ohioans for success in their 21st century careers," he said.

Sen. Williams said a lot of teachers have voiced concerns with the onsite visit requirements proposed in the executive version of the budget, and asked how that would work in an environment that already has districts struggling financially.

Mr. Burgess said the goal is to facilitate better interactions between businesses and schools.

"I understand their concerns but I also will tell you it's happening across the state already as a part of professional development that they already have in place," he said.

**Ohio Arts Council:** Executive Director Donna Collins highlighted the council's work over the past biennium, saying its strategic plan has been focused on investing, innovating, engaging and leading.

The executive budget proposed flat appropriations of nearly \$29.6 million, and the House version reduced it by \$388,500 to \$29.2 million. (**Redbook**)

Chair **Sen. Randy Gardner** (R-Bowling Green) asked if most of the staff reductions - of more than half since Fiscal Year 2008 - had come in 2010-2011.

Ms. Collins said there have been a few layoffs since then, but most of the reductions came in that budget cycle.

"In the agency's heyday, the staff was 50," she said. "Today we're 16."

**Broadcast Educational Media:** Commission Executive Director Geoffrey Phillips said the 1.5% cut to the budget by the House can be shouldered, but will have effects on operations. The budget includes \$3.7 million each fiscal year for operations and \$5.75 million per year in subsidies, including funding to public television, radio and radio reading services. (**Redbook**)

"The future of education is in multi-media and online platforms," he said. "Not as a replacement for traditional education, but as a supplement."

Tom Rieland, the general manager of WOSU Public Media, praised the BEMC's work to consolidate the distribution of public television programming.

"BEMC is engaged in an exciting and important operational modernization project that impacts all of public television in Ohio," he said. "This centralization of public channels for distribution using the state's fiber infrastructure is an exemplary activity that is being replicated by public media at only two other locations across the country."

Dan Shellenbarger, executive director of Ohio Government Telecommunications, asked for the budget as requested for \$1.5 million in Fiscal Year 2018 and \$1.55 million in FY 2019. He said the additional money is needed to maintain the online storage system and to increase coverage of official events.

"When we work for state agencies, we do not charge them," he said. "We're saving tens of millions of dollars for agencies who take advantage of us."

He said OGT provides accurate records of what is said on the floor.

"We like to think that we have your backs with just the facts," he said.

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House Bill 2, Ohio Chamber priority legislation fixing Ohio's employment discrimination statutes, took a big step forward and was favorably reported out of the House Economic Development, Commerce and Labor Committee on May 9. **Learn more about the features of this key piece of legislation.**

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